FEDERAL REGISTER

VOLUME 22 NUMBER 109

Washington, Thursday, June 6, 1957

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, Fourth Rev., Supp. 7]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2, as amended) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions issued as 7 CFR 301.76–2a (21 F. R. 9199), effective November 27, 1956, as amended effective December 13, 1956, January 18, 1957, February 5, 1957, March 13, 1957, April 6, 1957, and May 18, 1957 (21 F. R. 9936 22 F. R. 365, 717, 1597, 2310, 3479), are hereby amended in the following respects:

a. The designation as regulated areas of the following premises, included in the list contained in paragraph (a) of such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

ARIZONA

Arizona Flour Mills, Ninth and Jackson Streets, Phoenix.

Eichenauer Hay Sales property, 1301 North 40th Street, Phoenix.

Glendale Feed & Seed Company property, 1110 East Glendale Avenue, Glendale.

Quick Seed & Feed, 2101 Grand Avenue, Phoenix.

Western Feed Mills property, Box 270, Mesa.

CALIFORNIA

A. Abma property, located T. 27 S., R. 25 E., Sec. 6, M. D. B. & M. Mail address Route 1, Box 283, Wasco.

Blythe Alfalfa Growers Association, Warehouse Nos. 2 and 3, West Hobson Way, Blythe.

Brandt Bros. Feed Yard, 563 Main Street, located at County Roads 70 and West C, Brawley.

Quincy Hamilton property, 545 Walnut Avenue, Holtville.

Alvin Immel Ranch, located Oasis Canal, Gate 24, intersection of East O and Road 35, Holtville.

J. O. Reid property, located on Second Avenue, approximately ½ mile east of Intake Boulevard, Blythe.

Boyd Wallace property on Florence Street, one-fourth mile north of coincident U. S. Routes 60 and 70, Blythe.

Western Montana Feeding Company property at County Roads West E and No. 22, El Centro. Mail address P. O. Box 1387, El Centro.

Wheeler Farms property, Sec. 30, T. 32 S., R. 28 E., M. D. B. & M. Mail address Route 1, Box 860, Bakersfield.

b. The following premises are added to the list, contained in paragraph (a) of such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist. Such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations:

CALIFORNIA

Brown's Livestock Company property, 1761 Atlas Peak Road, Napa.

Keith Mets Feed Lot, Route 1, Box 63, Holtville.

Keith Mets Ranch (Headquarters), located on Bonds Corner Road, four miles south of Holtville, Route 1, Box 83, Holtville.

George M. Reister property, located 2 miles west of Sortina P. G. E. Substation, Williams.

Southwest Flaxseed Association property, Eighth Street and RR. tracks, Imperial.

NEW MEXICO

M. M. Martin Farm, located 11 miles south of Tolar.

c. The following premises are deleted from the list, contained in paragraph (b) of such instructions, of premises in which infestations of the khapra beetle have been determined to exist, and their designation as regulated area is hereby revoked, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

(Continued on p. 3957)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

CALIFORNIA

Milham Farms, Blue Moon Ranch, Lerdo Road, Buttonwillow.

This amendment shall become effective June 6, 1957.

This amendment in part imposes restrictions supplementing khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of presently regulated areas. It must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162). Interprets or applies sec. 2, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 31st day of May 1957.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 57-4581; Filed, June 5, 1957; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 925—MILK IN PUGET SOUND, WASH., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

Correction

In Federal Register Document 57-4358, published at page 3752 in the issue dated Wednesday, May 29, 1957, the following changes should be made:

1. In the tenth line of § 925.0, the word "affixed" should read "affirmed".

2. The sixth line of §925.51 (b) (1) should read: "as reported by the Department during".

PART 1067—AVOCADOS

PROHIBITIONS ON IMPORTATION

§ 1067.4 *Avocado Regulation No. 4.* (a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless:

(1) During the period beginning at 12:01 a. m., e. s. t., June 10, 1957, and ending at 12:01 a. m., e. s. t., July 1, 1957, (i) such avocados grade at least No. 2 grade, as defined in § 969.130 (c) [1] of the supplementing rules and regulations, as amended (21 F. R. 2409), effective under the marketing agreement and Order No. 69 (Part 969 of this chapter) regulating the handling of avocados grown in South Florida, and (ii) the individual fruit in each lot of such avocados weighs at least 14 ounces: *Provided,* That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 14 ounces but not less than 12 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance;

(2) During the period beginning at 12:01 a. m., e. s. t., July 1, 1957, and ending at 12:01 a. m., e. s. t., August 26, 1957, (i) such avocados grade at least No. 2 grade, as set forth in subdivision (i) of subparagraph (1) of this paragraph, and (ii) the individual fruit in each lot of such avocados weighs at least 12 ounces: *Provided,* That not to exceed 10 percent, by count of the individual fruit may weigh less than 12 ounces but not less than 10 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance;

(3) During the period beginning at 12:01 a. m., e. s. t., August 26, 1957, and ending at 12:01 a. m., e. s. t., September 9, 1957, (i) such avocados grade at least No. 2 grade as set forth in subdivision (i) of subparagraph (1) of this paragraph, and (ii) the individual fruit in each lot of such avocados weighs at least 10 ounces: *Provided,* That not to exceed 10 percent, by count, of the individual fruit may weigh less than 10 ounces but not less than 8 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance;

(4) On and after 12:01 a. m., e. s. t., September 9, 1957, such avocados grade at least No. 2 grade, as set forth in subdivision (i) of subparagraph (1) of this paragraph;

(5) Each such importation is made in conformance with the general regulations (Part 1060 of this chapter; 19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section; and

[1] Copies of said § 969.130, as amended, may be obtained by writing Mr. William B. Cantrell, c/o Agricultural Attache, American Embassy, Havana, Cuba, or the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

(6) Notwithstanding the provisions of subparagraphs (1) (ii), (2) (ii), and (3) (ii) of this paragraph that all avocados imported must meet the specified weight requirements, any person may import any lot of avocados if (i) the exterior seed coat of the individual fruit is of a brown color characteristic of a mature avocado, or (ii) such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(b) Inspection by the Federal or Federal-State Inspection Service, or such other governmental inspection service as may be designated or approved by the Administrator, with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados pursuant to § 1060.3 of the aforesaid general regulations.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The name of the importer (consignee);

(4) The commodity inspected;

(5) The quantity of the commodity covered by the certificate;

(6) The principal identifying marks on the containers;

(7) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(8) The following statement, if the facts warrant: Meets U. S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(f) Notwithstanding any other provision of this section, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby determined, on the basis of the information currently available, that the requirements set forth in this section are comparable to the maturity and quality regulations (§ 969.314 of this chapter; Avocado Order 14, 22 F. R. 3652) now in effect for avocados grown in South Florida.

(h) The provisions of Avocado Regulation No. 3 (§ 1067.3; 21 F. R. 4257) are

hereby terminated as of the effective date of this section.

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time of this regulation beyond that hereinafter specified (5 U. S. C. 1001 et seq.) because (a) maturity and quality restrictions governing the shipment of avocados produced in South Florida are now in effect and the requirements of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), makes such import regulation mandatory; (b) such domestic and import restrictions should become effective at as near the same time as is reasonably practicable; (c) notice that regulation of the imports of avocados was being considered was published in the FEDERAL REGISTER (22 F. R. 3692) and the written data, views, and arguments received in connection therewith were considered in the formulation of this regulation; (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; (e) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (f) such notice is hereby determined, under the circumstances, to be reasonable.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c. Interprets or applies sec. 401, 68 Stat. 907, as amended; 7 U. S. C. 608e-1)

Dated: June 4, 1957, to become effective at 12:01 a. m., e. s. t., June 10, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-4628; Filed, June 5, 1957; 8:54 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54364]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

TONNAGE TAX, ORIGIN OF VOYAGE AND DETERMINATION OF RATE

Correction

In Federal Register Document 57-4352, published on page 3755 of the issue for Wednesday, May 29, 1957, the amending language and the first four lines of the added text should read as follows:

Section 4.20 (a) is amended by adding new text at the end thereof, as follows:

§ 4.20 *Tonnage taxes.* (a) * * * In determining the port of origin of a voyage to the United States and the rate of tonnage tax, the following shall be used as a guide:

* * * * *

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 697—INDUSTRIES IN AMERICAN SAMOA, MINIMUM WAGE ORDER

WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

Pursuant to section 5 of the Fair Labor Standards Act of 1938, (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 478 (22 F. R. 1991) appointed, convened, and gave notice of the hearing of Special Industry Committee No. 1 for American Samoa to recommend the minimum wage rate or rates to be paid under paragraph 6 (a) (3) of the act to employees in American Samoa, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice as amended by Administrative Order No. 482 (22 F. R. 2868), the committee filed with the Administrator a report containing its findings with respect to the matters referred to it. Accordingly, as authorized and required by section 8 of the act, Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165) and General Order No. 45-A (15 F. R. 3290), the recommendations of this committee are to be published in this amendment to Title 29 of the Code of Federal Regulations, adding Part 697 effective June 22, 1957, to read as follows:

Sec.
697.1 Definitions of industries in American Samoa.
697.2 Wage rates.
697.3 Notices.

AUTHORITY: §§ 697.1 to 697.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 697.1 *Definitions of the industries in American Samoa.* The industries in American Samoa to which this part shall apply are hereby defined as follows:

(a) *Fish canning and processing industry.* This industry shall include the canning, freezing, preserving or other processing of any kind of fish, shellfish, or other aquatic forms of animal life and the manufacture of any by-product thereof.

(b) *Shipping and transportation industry.* This industry shall include the transportation of passengers and cargo by water or by air, and all activities in connection therewith, including, but not by way of limitation, the operation of air terminals, piers, wharves and docks, including stevedoring, storage, and lighterage operations, and the operation of tourist bureaus and travel and ticket agencies: *Provided, however,* That this definition shall not include bunkering of petroleum products.

(c) *Petroleum marketing industry.* This industry shall include the wholesale marketing and distribution of gasoline, kerosene, lubricating oils, diesel and marine fuels, and other petroleum products, including bunkering operations in connection therewith.

(d) *Miscellaneous industries.* Miscellaneous industries shall include all operations and activities not included in the shipping and transportation industry, the petroleum marketing industry, or the fish canning and processing industry, as defined in this section.

§ 697.2 *Wage rates.* (a) Wages at a rate of not less than 38 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer, to each of his employees in the fish canning and processing industry in American Samoa, who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer to each of his employees in the shipping and transportation industry in American Samoa, who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 45 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer to each of his employees in the petroleum marketing industry in American Samoa, who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 35 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer to each of his employees in the miscellaneous industries in American Samoa, who is engaged in commerce or in the production of goods for commerce.

§ 697.3 *Notices.* Every employer subject to the provisions of § 697.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 697.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 31st day of May 1957.

NEWELL BROWN,
Administrator.

[F. R. Doc. 57-4606; Filed, June 5, 1957; 8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11942; FCC 57-578]

[Rules Amdts. 2-34 and 9-13]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 9—AVIATION SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 9, Aviation Services, to expand the scope

of aeronautical advisory service and to make available an additional frequency; and § 2.104 (a) (5) of Part 2.

1. Notice of proposed rule making in the above-entitled matter was released by the Commission on February 25, 1957. This Notice, which made provision for the filing of comments by April 1, 1957, was duly published in the FEDERAL REGISTER on March 1, 1957 (22 F. R. 1297).

2. From their inception in 1950, permissible communications by aeronautical advisory stations have been limited to the necessities of safe and expeditious operation of aircraft; viz., messages pertaining to the condition of runways, availability of fuel, wind conditions, weather information and other information necessary to aircraft operation. Beyond this, a companion communications requirement exists for the use of radio by occupants of private aircraft in connection with efficient portal-to-portal transit of which the flight is a portion; for example, inquiries concerning availability of food, lodging and surface transportation. For a number of years, such communications were accepted by CAA ground personnel, for the convenience of occupants of private aircraft, whenever time permitted. Discontinuance of this practice was ordered by the CAA in December, 1955, when it became apparent that the growing volume of such "special service" messages was interfering with the regular duties of CAA personnel at many locations.

3. At the request of the National Business Aircraft Association, the Radio Technical Commission for Aeronautics (RTCA), a non-profit cooperative association of industry groups and U. S. Government aeronautical-telecommunications agencies, undertook a study to determine the feasibility of providing a "special service" frequency for private aircraft. As a result of this study, RTCA issued a report entitled "Operational/Special Service Communication" dated October 9, 1956, recommending that aeronautical advisory stations be utilized to provide the described service previously rendered by the CAA; and further, that an additional frequency (123.0 Mc) be provided to ease anticipated frequency loading. With regard to 123.0 Mc, however, the RTCA report recommended that its use be confined to operational and "special service" air/ground communications at civil airports served by control towers. (Existing rules prohibit the authorization of aeronautical advisory facilities at airports served by airdrome control stations.)

4. The RTCA recommendations on this matter were used in connection with the Commission's Notice of Proposed Rule Making in this Docket. Specifically, the Commission proposed to amend the Rules (a) to make the frequency 123.0 Mc available for communications between private aircraft and aeronautical advisory stations at landing areas served by airdrome control stations; (b) to expand the scope of aeronautical advisory service to include "special service" communications; viz., those which pertain to efficient portal-to-portal transit of which the flight is a portion; and (c) to remove the existing prohibition against use of the frequency 122.8 Mc by air carrier aircraft weighing less than 10,000 lbs.

5. Comments in this proceeding were filed by the following persons and organizations:

Aeronautical Flight Test Radio Coordinating Council (AFTRCC).
Aeronautical Radio, Inc. (ARINC).
Aircraft Owners and Pilots Association (AOPA).
Airesearch Aviation Service Co.
Bohmer Flying Service.
Communications Research Co.
Dixie Air Associates, Inc.
Les Farrar Aviation Services.
Mitchell Industries, Inc.
National Aviation Trades Association.
National Business Aircraft Association, Inc.
Schweitzer Aircraft Co., Inc.
Ragsdale Flying Service.

6. The comments were generally favorable; comments objecting to, or seeking to qualify the Commission's Notice of Proposed Rule Making are discussed in the paragraphs immediately following.

7. ARINC expressed concern regarding the possible degradation of services on aeronautical mobile (R) band frequencies if used for the transmission of "convenience" (viz., "special service") messages. While the need by private aircraft for this type of service was recognized, the respondent's preference was that such communications be conducted "as a public service to be provided by the (communications) common carriers." In the alternative, ARINC urged that the Commission clearly specify the secondary role of (R) band "special service" communications in relation to the primary safety functions of (R) band frequencies.

8. With respect to ARINC's contention that the transmission of "special service" messages on (R) band frequencies might tend to degrade the aeronautical mobile (R) bands, it should be observed that while these bands are allocated internationally for communications between aircraft and those aeronautical stations "primarily concerned with the safety and regularity of flight * * *", "special service" messages may nonetheless be conducted, on a secondary basis, where permited by national regulation. In this connection, "special service" communications should not be confused with "public correspondence", which is in fact prohibited by international regulation (see Chapter III, Article 9, Section II of the Atlantic City Radio Regulations, 1947; Final Agreement of the International Administrative Aeronautical Radio Conference, Geneva, 1948–1949).

9. The possibility of handling private aircraft "special service" communications through communications common carriers, on frequencies allocated for that purpose, was considered by the RTCA prior to issuance of its report. The basis of the recommendation in that report, which still appears to be valid, was that public aeronautical facilities adequate to perform such a service will not be available on a national basis for at least several years. Moreover, the cost, size and weight of such equipment might be major impediments to installation in small aircraft. While communications common carriers some day may be capable of satisfying many of the needs of private aircraft in which the equipment can be accommodated, this possibility cannot be viewed as a realistic answer to the existing requirement.

10. The Commission is not unmindful that applicable international agreements require that "special service" communications on (R) band frequencies must be conducted on a basis secondary to those pertaining to the safety and regularity of flight. The amendments herein ordered have been modified to reflect the primacy of safety messages, thereby meeting the intent of ARINC's comment.

11. The AFTRCC, on behalf of the airframe manufacturing industry, requested that the Commission weigh the possibility of harmful interference to flight test operations resulting from the implementation of the frequency 123.0 Mc. Specifically, concern was expressed that widespread use of the frequency 123.0 Mc by private aircraft might be incompatible with flight test operations conducted on the frequency 123.1 Mc.

12. With respect to the AFTRCC comment, it must be remembered that the prospect of harmful interference to flight test operations is a function of receiver selectivity. Inasmuch as receivers capable of interference-free reception on 100 kc spaced channels are currently available, it is believed that, to the extent interference to flight test communications might result from private aircraft operation on 123.0 Mc, it could be remedied by the use of selective receivers in flight test operations. This conclusion, of course, presupposes that aircraft transmitter operation on the new frequency will be conducted in accordance with the frequency stability and other applicable technical standards contained in Subpart E of Part 9. Conversely, adjacent channel interference to private aircraft from flight test stations may necessitate, in some instances, the installation of more selective receivers by private aircraft and aeronautical advisory station licensees. The Commission is not, therefore, disposed to afford interference protection as between flight test versus private aircraft and aeronautical advisory station licensees. This action is supported by the following considerations: (a) a 100 kc separation exists between the proposed aircraft frequency 123.0 Mc and the nearest flight test channel on 123.1 Mc; (b) equipment capable of 100 kc operation has been available for several years; (c) representatives of major segments of both the flight test and private aircraft operators have requested the use of 100-kc-spaced channels; and (d) substantial benefit would accrue to both classes of users and any interference which might result could be corrected by receiver replacement or modification. In this regard the Commission's Notice of Proposed Rule Making remains unchanged.

13. Mitchell Industries, Inc., suggested that the frequencies 122.8 Mc and 123.0 Mc be additionally available (on a non-interference basis, with ½ watt power limitation) for crop dusting, flight test and ground survey communications "where the weight and duration limita-

tions do not warrant the installation of completely separate equipment operating on the already congested special industrial frequency." No practicable method has been proposed to modify multi-channel aircraft transmitters for ½ watt operation on particular channels (virtually all aircraft transmitters are designed for operation with power appreciably greater than ½ watt), nor has any suggestion been advanced whereby modification of such equipment could be accomplished at a cost acceptable to the general user public. It is believed that the described operations (except for flight test) should continue to be performed outside the Aviation Services. Therefore, the Commission's Notice of Proposed Rule Making remains unchanged in this respect.

14. The Communications Research Company supported the general concept of the Commission's proposals, but suggested the selection of a second advisory frequency (122.85 Mc) only 50 kc removed from 122.8 Mc, in lieu of the frequency 123.0 Mc, as a means of encouraging the development and installation of more selective aircraft radio equipment. This suggestion is unacceptable because it does not recognize the fact that the bulk of private aircraft radio equipment in use today is incapable of operation on the basis of 50 kc channel separation without harmful adjacent channel interference. Because of the obvious economic deterrent, among other considerations, it is believed that private aircraft station operation on channels with 50 kc separation would be premature at this time. The respondent's remaining suggestion that maximum permissible transmitter power be limited to 10 watts on the new channel is equally unacceptable. Consideration was recently given to the matter of limiting VHF transmitter power in rule making proceedings under Docket No. 11619. Because of opposition on the part of equipment manufacturers and users to any specific power limitation, the Commission found that the public interest would best be served by continuing only the general limitation on power; viz, the minimum required for satisfactory technical operation.

15. Dixie Air Associates, Inc., a service organization, located at Memphis Municipal Airport, inquired concerning procedures to be followed by the Commission in the event competitive applications for 123.0 Mc ground station facilities are filed by two or more service organizations at the same airport. The Airesearch Aviation Service Company, located at Los Angeles International Airport, posed a related question concerning the eligibility status of lessee service organizations at large airports. It is anticipated that, as in the past, the selection of advisory station operators will be largely self-regulating. The existing eligibility standard, which is carried forward in the amendment herein ordered, provides for issuance of an aeronautical advisory station authorization "only to the owner or operator of a landing area * * *". It will, therefore, as in the past, be incumbent on the airport owner (who does not wish to be licensed and operate the desired facility in his own name) to designate another person or organization as sole operator. Accordingly, as a matter of policy, applications filed by such operators will be considered by the Commission, if supported by a statement disclosing the identity of the airport owner, and stating that the applicant has been designated as the sole operator, for advisory station licensing purposes, under the terms of a lease or other suitable agreement. In light of this policy, no further modification in the language of the rules on this point appears to be necessary.

16. In view of the foregoing; *It is ordered,* Pursuant to sections 303 (b), (c), (f), and (r) of the Communications Act of 1934, as amended, that, effective July 5, 1957, Parts 2 and 9 of the Commission's Rules be amended as set forth below.

17. *It is further ordered,* That the proceedings in Docket 11942 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: May 29, 1957.

Released: June 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

I. Amend Part 2 as follows:

Amend that portion of § 2.104 (a) (5) pertaining to the frequency band 122.1 Mc through 123.0 Mc to read as follows:

10	11
122.1	Private aircraft.
122.2	Do.
122.3	Do.
122.4	Do.
122.5	Do.
122.6	Do.
122.7	Do.
122.8	Aeronautical Advisory Station.
122.9	Private aircraft.
123.0	Aeronautical Advisory Station.

II. Amend Part 9 as follows:

1. Delete definition of aircarrier aircraft station from § 9.3 and substitute new definition to read as follows:

Aircarrier aircraft station. An aircraft station aboard an aircraft engaged in or essential to, transportation of passengers or cargo for hire. For the purpose of these rules an aircraft weighing less than 10,000 lbs. may be considered at the option of the applicant, as a private aircraft even though actually engaged in aircarrier operations. The election by the applicant will determine the equipment and frequencies to be employed and the regulations applicable to the aircraft radio station.

2. Delete § 9.311 and substitute a new section to read as follows:

§ 9.311 *Scope of service.* Communications by an aircraft station in the aeronautical mobile service shall be limited to the necessities of safe aircraft operation, except as otherwise specifically provided in this part. Normally, contacts with a ground station in the aviation services shall not be attempted unless the aircraft is within the area served by the station.

3. Delete paragraph (e) of § 9.331, substitute a new paragraph (e) and add a new paragraph (f) to read as follows:

(e) 122.8 megacycles, 6A3 emission: Private aircraft stations to aeronautical advisory stations and between private aircraft stations while in flight. Permissible communications are defined in § 9.1004.

(f) 123.0 megacycles, 6A3 emission: Private aircraft stations to aeronautical advisory stations only. Permissible communications are defined in § 9.1004.

4. Delete § 9.1001 and substitute a new section to read as follows:

§ 9.1001 *Special eligibility requirements.* (a) Authorization to operate an aeronautical advisory station using the frequency 122.8 Mc will be issued only to the owner or operator of a landing area not served by an airdrome control station.

(b) Authorization to operate an aeronautical advisory station using the frequency 123.0 Mc will be issued only to the owner or operator of a landing area served by an airdrome control station.

(c) Only one aeronautical advisory station will be authorized at any landing area.

(d) Control points will not be authorized at locations other than the landing area served by the station.

(e) Notwithstanding the provisions of § 9.185 (e), dispatch points shall not be established at locations other than the landing area served by the station.

5. Delete § 9.1002 and substitute a new section to read as follows:

§ 9.1002 *Frequencies available.* 122.8 and 123.0 megacycles, 6A3 emission: For communications with private aircraft stations.

6. Delete the present text of § 9.1004 with the exception of the note and substitute new text to read as follows:

§ 9.1004 *Scope of service.* (a) At all times when an aeronautical advisory station is in operation, nonpublic service shall be provided to any private aircraft station upon request and without discrimination.

(b) Aeronautical advisory stations shall not be used for air traffic control purposes.

(c) Communications on the frequency 122.8 Mc shall be limited to the necessities of safe and expeditious operation of private aircraft, pertaining to the conditions of runways, types of fuel available, wind conditions, weather information, dispatching or other necessary information: *Provided, however,* That on a secondary basis, communications may be transmitted which pertain to the efficient portal-to-portal transit of which the flight is a portion, such as requests for ground transportation and food or lodging required during transit.

(d) Communications on the frequency 123.0 Mc shall be limited to the necessities of safe and expeditious operation of

private aircraft, pertaining to dispatching and other information concerned with regularity of flight: *Provided, however,* That on a secondary basis communications may be transmitted which pertain to the efficient portal-to-portal transit of which the flight is a portion, such as requests for ground transportation and food or lodging required during transit. The frequency 123.0 Mc is not available for civil defense communications.

(e) The frequency 122.8 Mc may be used, in addition to its normal purposes, for communications with private aircraft engaged in organized civil defense activities in time of enemy attack or immediately thereafter, and on a secondary basis for communications with private aircraft engaged in organized civil defense activities in preparation for anticipated enemy attack. When used for these purposes, aeronautical advisory stations may be moved from place to place or operated at unspecified locations, except at landing areas served by other aeronautical advisory stations or airdrome control stations, or both.

[F. R. Doc. 57-4595; Filed, June 5, 1957; 8:50 a. m.]

[Docket No. 11361; FCC 57-568]

[Rules Amdt. 3-74]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS (BUNNELL-NEW PORT RICHEY, FLA., AND TAMPA-ST. PETERSBURG, FLA.)

In the matter of amendment of §3.606 *Table of assignments,* rules governing Television Broadcast Stations (Bunnell-New Port Richey, Florida).

1. The Commission has before it for consideration its notice of proposed rule making (FCC 55-456), released in this proceeding on April 14, 1955, and published in the FEDERAL REGISTER on April 19, 1955 (20 F. R. 2604), proposing to assign Channel 10— to either Bunnell or New Port Richey, Florida, in response to petitions filed by Jacksonville Journal Company and Suncoast Cities Broadcasting Corporation, respectively. As these communities are only about 120 miles apart, the mileage separation requirements preclude the assignment of Channel 10 to both of them.

2. Comments and reply comments supporting the assignment of Channel 10 to Bunnell and opposing its assignment to New Port Richey were filed by Jacksonville Journal Company, Jacksonville, Florida. Comments and reply comments supporting the assignment of Channel 10 to New Port Richey and opposing its assignment to Bunnell were filed by Suncoast Cities Broadcasting Corporation, St. Petersburg, Florida, and by Telrad, Inc.,[1] Daytona Beach, Florida. Letters favoring the assignment of Channel 10 to New Port Richey were also received from a number of local officials, civic organizations and other individuals in the New Port Richey area. The licensee of standard broadcast Station WGGG at Gainesville, Florida, opposed the adoption of either proposal.

3. Subsequent to the institution of rule making herein looking toward the assignment of Channel 10 to either New Port Richey or Bunnell, on June 26, 1956, the Commission issued its Report and Order in the general television allocation proceeding in Docket No. 11532 outlining its long-rang plans for improving the television allocation structure and its interim program for improving the opportunities for effective competition among a greater number of stations in individual communities. The following factors bear on our determination as to which of these conflicting proposals would best serve the public interest.

4. The entire State of Florida lies in Zone III, where the minimum co-channel spacing is 220 miles and adjacent spacing, 60 miles. There are two small areas in Florida where Channel 10 could be assigned in conformity with these spacing requirements. One is a small triangular area, approximately 25 miles on a side, lying between Jacksonville and Daytona Beach on the east coast of the State. The largest community in this area is Bunnell, with a 1950 population of 1,341, located about 22 miles north of Daytona Beach and about 65 miles south of Jacksonville. At the time this proceeding was instituted, Channel 10 could not have been allocated to the larger community of Daytona Beach, whose 1950 population totaled 30,187, because the distance from Daytona Beach to the Channel 10 station (WALB-TV) at Albany, Georgia, was less than minimum separation requirements. The relaxation made in the mileage separation requirements last July would now permit the assignment of Channel 10 to Daytona Beach if the transmitter is located at least 8 miles to the north of Daytona Beach in the triangular area described.[2] Bunnell has been assigned no television channels. Channel 2, upon which Telrad, Inc., operates Station WESH-TV, and Channel 53 are assigned to Daytona Beach. There are no applications for Channel 53. In addition to Station WESH-TV on Channel 2 at Daytona Beach, there are seven existing and proposed commercial television stations within 100 miles of Daytona Beach at Jacksonville and Orlando. No Grade A service from stations other than Station WESH-TV is now received in Daytona Beach itself, but Station WDBO-TV at Orlando provides Grade B service to the city.

5. Channel 10 may also be assigned in an irregular shaped area on the west coast of Florida located about 24 miles north of Tampa and about 33 miles north of St. Petersburg. New Port Richey, which had a 1950 population of 1,500, is located on the Gulf Coast in this area about 25 miles northeast of Tampa and about 34 miles from St. Petersburg. The 1950 population of these two cities totaled 221,419 (Tampa, 124,681; St. Petersburg, 96,738), and they are in a standard metropolitan area which had a 1950 population of 409,143 and ranked as the 41st market in the country. The minimum separation requirements would now also permit the assignment of Channel 10 to these large cities if the transmitter is located at least 24 miles to the north of Tampa and at least 33 miles from St. Petersburg. No television channels are assigned to New Port Richey. Tampa-St. Petersburg is assigned four channels: Channels 3, 8, 13 and 38 with Channel 3 reserved for education. The Florida West Coast Educational Television, Inc, holds a construction permit for an educational station on Channel 3. The Tribune Company operates Station WFLA-TV on Channel 8 at Tampa; WKY Television System, Inc., operates Station WTVT on Channel 13 at Tampa, and the City of St. Petersburg operates Station WSUN-TV on Channel 38 at St. Petersburg. There are four other existing and proposed commercial television stations within 100 miles of Tampa-St. Petersburg at Orlando and Fort Myers, Florida.

6. The coverage computations made by both Jacksonville Journal and Suncoast Cities Broadcasting Corporation in support of their conflicting proposals indicate that the allocation of Channel 10 in the New Port Richey area would serve greater populations than would be served by a facility at Bunnell. Based on a power of 316 kw and antenna height of 1,000 feet for assumed New Port Richey and Bunnell stations, the parties indicate that a New Port Richey Channel 10 station would serve from 440,200 to 457,106 people in its Grade A contour and from 598,400 to 600,031 in its Grade B contour; whereas a Bunnell Channel 10 station would serve from 138,925 to 155,700 people in its Grade A contour and from 424,800 to 433,424 people in its Grade B contour. Despite this showing, Jacksonville Journal argues that Bunnell should be preferred since a Bunnell Channel 10 station would provide a first television service to more people and a greater area than would a New Port Richey station and would serve greater areas receiving two or less services. This conclusion is contrary to that reached by Suncoast which claims that a New Port Richey station would provide a first service to an area five times larger than a Bunnell station. We note that the differences in the conclusions reached by these parties result principally from the fact that the coverage computations made by Jacksonville Journal were based on the authorized and existing facilities of stations in the areas involved at that time (May 1955), whereas those of Suncoast were based on proposed facilities, as well as existing and authorized facilities. For example, in its coverage computations, Jacksonville took into consideration only the authorized facilities of Station WESH-TV (then WMFJ-TV) on Channel 2 at Daytona Beach rather than those proposed in a pending application (BMPCT-2846). While this ap-

[1] Subsequent to the filing of their comments, W. C. O. A., Inc., a corporation under common ownership with the Jacksonville Journal, acquired control of Telrad, Inc.

[2] Report and Order (FCC 56-755), released July 23, 1956, in Docket No. 11714 amending Part 3 of the rules and regulations to add § 3.611 (a) (4) which permits television channel assignments on the basis of showings that spacings measured from transmitter sites meet the minimum assignment and principal city coverage requirements.

plication was dismissed on February 17, 1956, on February 6, 1957, the Commission granted WESH-TV's application (BMPCT-4150) for new facilities which provides for much the same improvements as contemplated in the dismissed application. Jacksonville Journal also did not take into consideration the proposed facilities of Station WFGA-TV on Channel 12 at Jacksonville, for which a construction permit to Florida-Georgia TV Company, Inc. was granted on August 29, 1956.

7. Suncoast contends that the Tampa-St. Petersburg area—with its greater size, revenue and growth potential—is able to support an additional VHF station whereas the Daytona Beach area cannot. Suncoast urges further that the assignment of Channel 10 to New Port Richey would fill the need of the Tampa-St. Petersburg metropolitan area for a third commercial VHF outlet, as well as the special needs of the Suncoast area, which includes the City of St. Petersburg and cities and counties on the Gulf Coast from Sarasota to Citrus; that it would protect the educational reservation at Tampa-St. Petersburg from encroachment by commercial interests, and foster an improvement in the competitive network and station situation in the area. Suncoast evinces an interest in serving the City of St. Petersburg—to which it would furnish a city grade signal from a transmitter near New Port Richey. It claims that St. Petersburg has need of a VHF outlet for local expression since both VHF channels assigned to Tampa-St. Petersburg are utilized by Tampa stations, leaving St. Petersburg only with a UHF station for a local outlet (WSUN-TV) which is licensed to the City of St. Petersburg; that with two VHF stations operating in the area this UHF facility is destined to failure whether or not a third commercial VHF channel is assigned to the area, and that, since this is the case, Station WSUN-TV would have an opportunity to compete for a VHF chanel if Channel 10 is assigned in the area. (In its reply comments, Suncoast asserts that the contest centers on the respective needs of all the cities of the "Sun Coast" area, including the City of St. Petersburg and the Tampa-St. Petersburg metropolitan area, as against Bunnell and Daytona Beach—the only other community of any size which would be served from Bunnell; that Bunnell and Daytona Beach are amply provided for in the Table of Assignments, and that no good reasons have been advanced for asigning Channel 10 to the Daytona Beach area.)

8. In its reply comments Jacksonville Journal urges that Suncoast has failed to show that the existing Table of Assignments is inadequate to serve the needs of St. Petersburg; that the showing based upon the needs of St. Petersburg entirely overlooks the existence of a station located there; and moreover, that both Tampa stations have studios in St. Petersburg. It claims that no showing has been made from which it can be assumed that if Channel 10 is not allocated to New Port Richey that the St. Petersburg UHF station can survive. Jacksonville Journal urges that no weight should be given to the letters from individuals and civic groups urging the assignment of the Channel to New Port Richey. While it concedes that the assignment of Channel 10 to the New Port Richey area would serve a populous metropolitan area, it claims that no adequate showing has been made by Suncoast or Telrad that there would be insufficient support for a Bunnell station.

9. Since Channel 10 may now be assigned either to the communities of Tampa-St. Petersburg or to Daytona Beach under present minimum spacing requirements, and since it is evident from the record that, in the event Channel 10 were to be assigned to either New Port Richey or to Bunnell, as originally proposed, a station operating thereupon in New Port Richey would undoubtedly serve and depend upon the larger nearby communities of Tampa-St. Petersburg, and a Bunnell station on Daytona Beach, for support, and compete with local VHF stations in these markets for business, we believe that public interest considerations, particularly our television objectives and the need of these larger cities for additional television outlets, require the assignment of the channel to either Tampa-St. Petersburg or to Daytona Beach rather than to New Port Richey or to Bunnell.

10. Upon our careful evaluation of all the comments and the factors involved, it is our judgment that the proposal to utilize Channel 10 in the Tampa-St. Petersburg area has the greater merit. We believe that the assignment of the channel to Tampa-St. Petersburg will make for more effective use of the spectrum and that it will make possible an additional television service to a greater number of people than would its assignment to the Daytona Beach area. In addition, we believe that the record demonstrates that a greater need exists for a third comparable and conpetitive VHF service in the Tampa-St. Petersburg market than for a second such service in the much smaller Daytona Beach market, and we are convinced that the assignment of Channel 10 to Tampa-St. Petersburg would better serve the public interest and our objective of creating improved opportunities for comparable and effective competition among a greater number of stations.

11. Authority for the adoption of the amendment herein is contained in sections 1, 4 (i), and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and Section 4 of the Administrative Procedure Act.

12. In view of the foregoing: *It is ordered,* That effective July 5, 1957, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

City	*Channel No.*
Tampa-St. Petersburg, Fla	*3, 8—, 10—, 13—, 38

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: May 29, 1957.

Released: June 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-4596; Filed, June 5, 1957; 8:50 a. m.]

[Docket No. 11753; FCC 57-572]

[Rules Amdt. 3-75]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS (CHARLESTON, S. C.); ORDER EXTENDING EFFECTIVE DATE

In the matter of amendment of § 3.606 *Table of assignments,* television broadcast station (Charleston, South Carolina).

1. At a session of the Commission held at its Offices in Washington, D. C., on the 29th day of May 1957.

2. The Commission has before it for consideration a petition filed May 17, 1957, by Palmetto Radio Corporation requesting limited reconsideration of the Commission's Report and Order issued in this proceeding on April 29, 1957, insofar as the Commission's rules were amended to specify June 3, 1957, as the effective date of the assignment of Channel 4 to Charleston, South Carolina. Petitioner requests that the effective date of the assignment be stayed until action is taken in Docket No. 11799, relating to a proposal to assign Channel 5 to Columbia, South Carolina.

3. Petitioner submits that subsequent to June 3, 1957, the date upon which the assignment of Channel 4 in Charleston becomes effective, the Commission may adopt the proposal in Docket No. 11799 to assign Channel 5 to Columbia by deleting this channel from Charleston and replacing it with Channel 7. Such action, Palmetto notes, would require that the license of Station WCSC-TV on Channel 5 in Charleston be modified to specify operation on another frequency. Palmetto points out that if Channel 4 has not been awarded to a new applicant in Charleston, this frequency would be available as a substitute for Station WCSC-TV and therefore requests that the effective date of the Channel 4 assignment in Charleston be stayed until action is taken on the Columbia proposal.

4. Upon reconsideration of our prior action in this proceeding, we believe that making the assignment of Channel 4 to Charleston effective during the pendency of the Columbia proceeding might unduly complicate implementation of possible action in the Columbia proceeding. We find that good cause has been established for extending the effective date of the assignment of Channel 4 to Charleston and that the public interest, convenience and necessity would be served thereby;

5. In view of the foregoing: *It is ordered,* That the Report and Order released in the above-entitled proceeding on April 29, 1957, is amended, by extending the effective date of the assignment of Channel 4 to Charleston, South Carolina, from June 3 to June 17, 1957.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Released: June 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-4597; Filed, June 5, 1957; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 928]

[Docket Nos. AO-227-A7, AO-227-A7-RO1]

HANDLING OF MILK IN THE NEOSHO VALLEY MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER, AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Pittsburg, Kansas, on May 15, 1956, pursuant to notice thereof which was issued on May 3, 1956 (21 F. R. 3082); and was reopened on February 25, 1957, pursuant to notice thereof which was issued on February 7, 1957 (22 F. R. 865).

Upon the basis of the evidence introduced at the hearing and the record thereof the Deputy Administrator, Agricultural Marketing Service on April 30, 1957, issued his recommended decision and opportunity to file exceptions thereto with respect to a certain issue of such hearing, which was published in the FEDERAL REGISTER on May 3, 1957 (22 F. R. 3157).

The material issues of record were concerned with the following:

1. Whether the distribution of returns to producers should be by means of a marketwide pool or by individual-handler pools;

2. Whether location adjustments should be provided to handlers and producers;

3. Whether the equalizing assessments should be continued with respect to milk distributed from plants subject to other Federal orders;

4. Revision of the months during which the base-excess plan is operative and the providing of discounted bases for new shippers, and

5. Providing for equivalent prices in the event any of the specified prices should be unavailable.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof it is hereby found and concluded that:

1. *Type of pooling.* The marketwide system of pooling and distributing returns to producers should be retained in preference to the individual-handler method of pooling.

At the original session of the amendment hearing a bargaining association of producers proposed a change to the individual-handler method of pooling. However, subsequent changes in marketing conditions prompted this association to request a reopening of the hearing for the primary purpose of reconsidering pooling.

An important element in deciding whether to adopt marketwide or individual handler pooling in any market is the degree in which handlers have become specialized in caring for the daily and seasonal reserve of milk. The Neosho Valley marketing area is characterized by a high degree of such handler specialization. Some handlers receive only such quantities of milk as are needed for bottling purposes while a cooperative association provides supplemental milk to those handlers and manufactures a large volume of the reserve milk of the market. In such circumstances a marketwide pool serves to equalize returns between those producers delivering to high utilization plants and to those delivering to plants which care for the reserve supply of the market.

Receipts of producer milk during 1956 increased more than 10 percent over receipts during 1955. While this increase in producer receipts can be attributed, in part, to an increase in the number of producers serving the market, by far the major portion of the increase in production must be attributed to a substantial increase in production per farm. Producer milk classified as Class I in 1956 increased only 5 percent over that so classified in 1955. Thus production has increased at a faster rate than has Class I sales, and the problem of surplus disposal has become more acute.

It appears likely that the increase in production per farm which has already occurred will be further stimulated by conversion to bulk tank. In January 1956 only 9 producers were equipped with bulk tanks and delivered 2.4 percent of the total milk in the market. By January 1957 there were 47 producers so equipped and they supplied 10.7 percent of total receipts. The bulk tanks represent a very substantial investment, and producers who acquire tanks commonly increased production in order to minimize their unit costs. In some nearby markets the conversion to bulk tank has proceeded at a very rapid rate. If the 1956 rate in the Neosho Valley is maintained or increased, the problem of caring for the milk and making equitable distribution of returns to producers will be intensified.

At the reopened session of the hearing certain handlers supported a change to individual-handler pooling. Their chief evidence was to incorporate by reference testimony on the subject at a hearing held in September, 1953. The issue of pooling was reviewed in detail by the Assistant Secretary in his decision issued February 12, 1954 (19 F. R. 907) and there is no present basis for reversing his conclusion that the marketwide system of pooling should be retained.

In connection with the proposed change in the type of pooling, consideration was given to appropriate modifications in the standards for determining which milk plants would be fully subject to regulation. In the absence of any modification in pooling, no changes in the pool plant definitions are provided herein.

Similarly, consideration was given to a plan for assigning reserve milk not physically received during the flush season at a regulated plant.

Under the marketwide pool, such milk can continue to be pooled as diverted milk, either by the handler at whose plant it is usually received or by a cooperative association.

2. *Location adjustments to handlers and producers.* A system of location adjustments should be provided in the order. They should apply to milk moved for Class I use in the marketing area from plants located at substantial distances outside of the area. Similarly, minimum payments to producers on all milk delivered by them to such plants should be reduced by the same rate.

Plants located at some distance from the market but subject to other Federal orders are already distributing milk in the Neosho area. Also it is conceivable that distant plants not subject to other orders may become regulated by this order. The operators of such plants would incur substantial transportation costs on the bulk or packaged milk before reaching any portion of the marketing area and should be allowed an offsetting credit in order to be fully competitive with regulated plants located within the marketing area.

No specific data on the costs of transporting milk in bulk or packaged form were presented at the hearing. However, the Class I price relationships between the Neosho Valley market and the adjoining markets of Ozarks and Tulsa were established on the basis of transportation costs. The Neosho Valley differential is 15 cents over that in the Ozarks area, for a distance of 75 miles between Joplin and Springfield. The Neosho Valley differential under the Tulsa Class I price is 23 cents, reflecting the Tulsa location adjustment for the 95–110 mile zone.

The location adjustment rates in nearby order areas where hauling costs might be expected to be most similar vary considerably. The Ozarks rate is 1.5 cents per 10 miles distance from the nearest point in the marketing area; the Tulsa rates are 15 cents in the 30–50 mile

zone, 2 cents per 15 miles through 140 miles, and 1-cent per 15 miles beyond 140 miles; and the Kansas City rates are 16 cents in the 50–70 mile zone plus one-half cent per 10 miles thereafter.

The initial zone rate should not be as high as in the Kansas City or Tulsa markets since the Neosho Valley area is characterized by numerous small cities rather than by large centers of population. Accordingly, a rate of 10 cents should be established for the 50–60 mile zone, plus 2 cents for each additional 15-mile zone. The Neosho Valley marketing area is roughly rectangular, and distances should be measured from the four sizeable cities nearest the corners of the area; namely, Joplin, Missouri, in the southeast; Independence, Kansas, in the southwest; Chanute, Kansas, in the northwest; and Nevada, Missouri, in the northeast.

In the exceptions filed in response to the recommended decision, it was pointed out that no means is provided for determining what portion of bulk shipments from a supply plant are assignable to Class I for location adjustment purposes at a distributing plant. Such assignment should, of course, encourage minimum transportation of milk. This should be accomplished by first adding a 5 percent operating tolerance to Class I sales at the distributing plant. This Class I requirement should be applied first to direct receipts from producers and then to receipts from other plants, in order of their distance from the market, as measured by the applicable location adjustment.

3. *Milk subject to other Federal orders.* The present order provides standards for determining whether a plant from which milk is distributed both in the Neosho Valley area and some other Federal order area shall be subject to this order or the other one. If such a plant is subject to another order, it will be largely exempt from the provisions of this order. The only significant obligation under the Neosho Valley order will be an equalizing payment on sales made in this area in the event the Class I prices in the other (primary) market are lower than the Neosho Valley Class I price. Moreover, the prices under the other order must average lower over a 12-month period before any payments are due; a seasonally low price for a few months may well be offset by higher prices during the remainder of the year. This provision should be retained.

This provision applies mainly to the Ozarks order since prices in the other order areas from which milk is marketed in the Neosho Valley area are generally higher. The amounts collected from those Ozarks handlers who sell milk in this area are returned to the Ozarks marketwide pool. The Ozarks handler who proposed eliminating the payment provision on milk sold in the Neosho Valley area from plants regulated under other orders was particularly critical of the lack of location adjustment on such sales. The location adjustments provided herein will apply to plants under other Federal orders as well as those subject to the Neosho Valley order and will correspondingly reduce any obligation of Ozarks handlers.

Another factor to be considered is that the Neosho Valley order was amended, effective February 1, 1955, to keep the Class I price as closely aligned as possible with the dissimiliar seasonal price patterns of the Ozarks and Tulsa-Muskogee orders. This device helps maintain appropriate Class I price relationships among the three markets.

In view of the modifications resulting from the location adjustments provided herein and the closer relationship of the Class I prices in the Neosho Valley and Ozarks orders, it is concluded that the payments on milk from other Federal orders should be retained.

4. *Base rating revision.* The base-operating period should be advanced one month to cover the period February through July, and the base-making period should be advanced one month to cover the period August through November.

Producers proposed that the base-operating period be changed to the 6-month period February-July instead of the present period of March through August. The plan should, of course, operate during those months when supplies are greatest in relation to Class I sales and bases should be set when supplies are lowest. Producers will thereby be encouraged to minimize production during the flush months and maximize it during the months when production is needed.

A review of order data, now available for the calendar years 1952–1956, discloses that in four of these years May was the month when supplies of producer milk were largest in relation to Class I sales. On the basis of the five-year experience, it appears that April is the month of second largest supplies, March and June rank close together as third and fourth, and February and July are close as fifth and sixth.

For the base-setting months, the data show that in 1952, October was the month of shortest production in relation to sales but that during the past two fall seasons August has been shortest. Over the 5-year period it appears that August and September are the shortest months, with October and July next. The general upward trend in production during the period make the short months appear somewhat earlier than seasonal influences alone would account for. However, it is plain that producers have responded to the incentive of the base plan and that at least a one-month earlier base-setting period should be adopted in order to encourage larger production in August and less in December.

In the recommended decision it was concluded that the change in the base-setting months should become effective August 1, 1957. In their exceptions, producers emphasized the importance of advance planning by producers in conforming to the seasonal incentives provided by the base plan. Accordingly, the use of August through November as the base-setting months should be postponed until 1958.

It was also proposed by handlers that producers who are so new to the market as not to have established a base should be allowed to establish one at a discount, based on their production during the base-operating months. At the reopened hearing, handlers further proposed that established producers also be given the option of establishing a new base, under the same conditions as a new producer.

It is apparent, however, that such modifications would seriously reduce the effectiveness of the base plan in leveling the seasonality of production. The base-operating months are those in which supplies are greatest in relation to demand. During these months, the need for minimizing flush production is clearly of primary importance. Accordingly, the proposals for new bases to new and old shippers should not be adopted.

5. *Equivalent prices.* The order should include a provision that whenever a price quotation is not available, a price which is determined by the Secretary to be equivalent should be used. Price series may be unavailable through such causes as failures to report, termination of market quotations resulting from changes in dairy marketing and, combining or termination of other Federal orders.

The combining of the Tulsa-Muskogee and Oklahoma City orders into the Oklahoma Metropolitan order necessitates a change in the Neosho Valley order. Under the Oklahoma Metropolitan order the Class I price at plants located in the Tulsa zone is 10 cents lower than the announced price at plants within 50 miles of the City Hall in Oklahoma City. Accordingly, upon effectuation of the combined order, the Neosho Valley Class I price should be related to the Oklahoma Metropolitan Class I price less 33 cents instead of to the Tulsa-Muskogee Class I price less 23 cents.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Ruling on exceptions. Within the period reserved for filing exceptions to the recommended decision, exceptions

were submitted on behalf of certain interested parties. Such exceptions have been fully considered and to the extent that the findings and conclusions of this decision are at variance with any exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of March 1957 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of milk in the Neosho Valley marketing area, in the manner set forth in the attached amending order, is approved or favored by producers, as defined in the order, as amended, and as proposed hereby to be further amended, who during such representative period were engaged in the production of milk for sale in the marketing area as defined in the order, as amended, and as proposed hereby to be further amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Neosho Valley Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Neosho Valley Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 31st day of May 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Neosho Valley Marketing Area

Sec.

§ 928.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Neosho Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Neosho Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 928.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreements Act of 1937, as amended (7 U. S. C., 1940 ed., 601 et seq.).

§ 928.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 928.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 928.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 928.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary deter-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

mines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and,

(b) Is authorized by its members to make collective sales or to market milk or its products for its members.

§ 928.6 *Neosho Valley marketing area.* "Neosho Valley marketing area," hereinafter called the "marketing area" means all of the territory within the counties of Allen, Bourbon, Cherokee, Crawford, Labette, Montgomery, Neosho and Wilson all in the State of Kansas, and the counties of Barton, Jasper, Newton and Vernon, all in the State of Missouri.

§ 928.7 *Approved plant.* "Approved plant" means any milk processing plant, except that of a producer-handler, which is approved by the appropriate health authority having jurisdiction in the marketing area and from which 10 percent or more of the receipts during the delivery period of milk qualified for distribution as Grade A milk in the marketing area is disposed of during the delivery period on wholesale or retail routes (including routes operated by vendors and disposition at plant stores) as Class I milk in the marketing area.

§ 928.8 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of an approved plant, (b) a producer-handler, (c) any person, except a producer-handler, in his capacity as the operator of an unapproved plant from which milk is disposed of during the delivery period on wholesale or retail routes (including routes operated by vendors and disposition at plant stores) as Class I milk in the marketing area, and

(d) Any cooperative association (1) with respect to milk of producers which it causes to be diverted to an unapproved plant for the account of such association, and (2) with respect to milk of producers delivered for its account to the approved plant of another cooperative association, and for which it receives not less than the applicable class prices pursuant to §§ 928.51 through 928.52.

§ 928.9 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk under a dairy farm permit or rating issued by the appropriate health authority having jurisdiction in the marketing area over the production of milk disposed of for consumption as Grade A milk which milk is (a) received at an approved plant, or (b) diverted from an approved plant to any milk distributing or milk manufacturing plant: *Provided,* That such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted: *And provided further,* That this definition shall not include a person with respect to milk produced by him which is received by a handler who is partially exempted from the provisions of this part pursuant to §§ 928.61 and 928.62.

§ 928.10 *Producer-handler.* "Producer-handler" means any person who, with the approval of any health authority having jurisdiction in the marketing area, processes milk from his own farm production and disposes of all or a portion of such milk as Class I milk within the marketing area, but who receives no milk from producers.

§ 928.11 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form from a producer-handler or from a source other than producers or another handler in his capacity as the operator of an approved plant except any nonfluid milk product received and disposed of in the same form.

§ 928.12 *Delivery period.* "Delivery period" means a calendar month, or any portion thereof during which this part is in effect.

MARKET ADMINISTRATOR

§ 928.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of, the Secretary.

§ 928.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 928.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performances of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 928.97 the cost of his bond and those of his employees, his own compensation, and all other expenses, except those incurred under § 928.96, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office or by such other means as he deems appropriate, the name of any person, who after the date upon which he is required to perform such acts, has not made (1) reports pursuant §§ 928.30 through 928.32, or (2) payments pursuant to §§ 928.90 through 928.97.

(i) On or before the 12th day after the end of each delivery period, report to each cooperative association which so requests, the amount and class utilization of the milk caused to be delivered to each handler by such cooperative association, either directly or from producers who are members of such cooperative association. For purposes of this report, the milk so delivered by a cooperative association shall be prorated to each class in the proportion that the total quantity of producer milk received by such handler was to the quantity of milk in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 12th day of each delivery period the minimum price for Class I milk computed pursuant to § 928.51 (a) and the Class I butterfat differential computed pursuant to § 928.52, both for the current delivery period; and on or before the 5th day of each delivery period the minimum price for Class II milk computed pursuant to § 928.51 (b) and the Class II butterfat differential computed pursuant to § 928.52, both for the preceding delivery period.

(2) On or before the 12th day of each delivery period the uniform price(s) computed pursuant to §§ 928.71 and 928.72 and the butterfat differential computed pursuant to § 928.52, both for the previous delivery period; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 928.30 *Delivery period reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in:

(1) All receipts at his approved plant(s) within such delivery period of:

(i) Milk received from producers,

(ii) Skim milk and butterfat in any form from other pool handlers, and

(iii) Other source milk.

(2) Milk diverted pursuant to § 928.9 (b).

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 928.31 *Payroll reports.* On or before the 20th day of each delivery period each handler shall submit to the market administrator his producer payroll for the preceding delivery period which shall show (a) the total pounds of milk received from each producer or cooperative association, and the total pounds of butterfat contained in such milk; (b) the net amount of such handler's payment to each producer or cooperative association; and (c) the nature and amount of any deductions or charges involved in such payments.

§ 928.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 928.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat contained in producer milk and other source milk;

(b) The weights of butterfat and skim milk in all milk, skim milk, cream and milk products handled; and

(c) Payments to producers and cooperative associations.

§ 928.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 928.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the delivery period by a handler and which is required to be reported pursuant to § 928.30 shall be classified by the market administrator pursuant to the provisions of §§ 928.41 through 928.46.

§ 928.41 *Classes of utilization.* Subject to the conditions set forth in §§ 928.43 and 928.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form (except as livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, any mixture of cream and milk or skim milk (except bulk ice cream mix, eggnog and aerated cream), all skim milk and butterfat in inventory at the end of the delivery period in the form of Class I items, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section;

(b) Class II milk shall be all skim milk and butterfat accounted for (1) as having been used to produce any products other than those specified in paragraph (a) of this section, (2) as disposed of for livestock feed, (3) in actual plant shrinkage of skim milk and butterfat in producer milk, but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively: *Provided,* That during the months of April, May and June such maximum shrinkage allowance on skim milk shall be not in excess livestock feed, (3) in actual plant shrinkage of skim milk and butterfat in other source milk.

§ 928.42 *Shrinkage.* If producer milk and other source milk are both received at a handler's approved plant during the same delivery period the shrinkage of skim milk and butterfat, respectively, allocated to each source shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from such sources to their totals.

§ 928.43 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified as Class II milk.

§ 928.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the delivery period within which such transaction occurred: *Provided,* That in no event shall the amount of the skim milk or butterfat so assigned to Class II exceed the total utilization of skim milk or butterfat, respectively, in the plant of the transferee-handler: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants to give priority to producer milk in the allocation of Class I utilization.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk or skim milk and as Class II milk if so transferred in the form of cream to an unapproved plant located more than 250 miles from the square of Chanute, Kansas, by the shortest highway distance as determined by the market administrator.

(d) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 250 miles from the square at Chanute, Kansas (by shortest highway distance as determined by the market administrator) and from which Class I milk is disposed of unless:

(1) The handler claims Class II on the basis of utilization mutually indicated in writing to the market administrator by both the operator of the unapproved plant and the handler on or before the 7th day after the end of the delivery period within which such transfer occurred; and

(2) The operator of the unapproved plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification: *Provided,* That if the Class I utilization of skim milk and butterfat in such plant exceeds receipts at such plant of skim milk and butterfat in milk directly from dairy farmers who the market administrator determines constitutes the regular source of supply for fluid usage of such unapproved plant in markets supplied by it, an amount of skim milk and butterfat equal to such excess shall be classified as Class I milk.

(e) As Class II milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 250 miles from the square at Chanute, Kansas, and from which no Class I milk is disposed of.

§ 928.45 *Computation of the skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 928.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 928.45, the market administrator shall determine the classification of producer milk as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 928.41 (b) (3);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim

milk contained in the Class I items in inventory at the beginning of the delivery period;

(3) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided,* That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the remaining pounds of skim milk in Class I;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned to such class pursuant to § 928.44 (a);

(5) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section and determine the percent of butterfat content in such milk in each class.

MINIMUM PRICES

§ 928.50 *Basic formula price to be used in determining Class I price.* The basic formula price to be used in determining the price per hundredweight of Class I milk for the delivery period shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 928.51 (b), all for the preceding delivery period.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Oxfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

divided by 3.5 and multiplied by 4.0.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 928.51 *Class prices.* Subject to the provisions of §§ 928.52 and 928.53, each handler shall pay producers at the time and in the manner set forth in §§ 928.90 through 928.95 not less than the following prices per hundredweight for milk received from such producers during the delivery period:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts per hundredweight: $1.00 during the delivery periods April through June, and $1.45 during the delivery periods of July through March: *Provided,* That for each of the delivery periods of September through December, such price shall not be less than that for the preceding delivery period, and that for each of the delivery periods of April through June such price shall be not more than that for the preceding delivery period: *And provided further,* That the price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of the following:

(1) The price for Class I milk of 4.0 percent butterfat content established for the same month or delivery period pursuant to Part 906 of this chapter regulating the handling of milk in the Oklahoma metropolitan marketing area less 33 cents; or

(2) The price for Class I milk of 4.0 percent butterfat content established for the same month or delivery period under Part 921 of this chapter regulating the handling of milk in the Ozarks marketing area, plus 15 cents.

(b) *Class II milk.* The price for Class II milk shall be the arithmetic average of the basic, or field, prices reported to have been paid or to be paid per hundredweight for ungraded milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the delivery period by the companies indicated below:

Company and Location

Pet Milk Co., Neosho, Mo.
Borden Co., Fort Scott, Kans.
Carnation Co., Mount Vernon, Mo.
Pet Milk Co., Iola, Kans.

§ 928.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class utilization for a handler pursuant to § 928.46 (c) is more or less than 4.0 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one tenth of 1 percent that such weighted average butterfat test is above, or below, respectively, 4.0 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated as follows:

(a) *Class I milk.* Multiply by 1.25 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the preceding delivery period, and divide the result by 10.

(b) *Class II milk.* Multiply by 1.15 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period and divide the result by 10.

§ 928.53 *Location adjustments to handlers.* For milk which is received from producers at an approved plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the City Hall in Joplin or Nevada, Missouri, or Chanute or Independence, Kansas, whichever is closest, and which is classified as Class I milk the prices computed pursuant to § 928.51 (a) shall be reduced by 10 cents if such plant is located more than 50 miles but not more than 60 miles from such city hall and by an additional 2.0 cents for each 15 miles or fraction thereof that such distance exceeds 60 miles: *Provided,* That for the purposes of calculating such adjustment transfers between approved plants shall be assigned to Class I milk in a volume not in excess of that by which 105 percent of Class I disposition at the transferee plant exceeds the receipts from producers at such plant, such assignment to transferor plants to be made first to plants at which no adjustment credit is applicable and then in the sequence at which the lowest location adjustment credit would apply.

§ 928.54 *Use of equivalent price.* If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 928.60 *Producer-handlers.* Sections 928.40 through 928.46, 928.50 through 928.52, 928.70 through 928.72, 928.80 through 928.83 and 928.90 through 928.97 shall not apply to a producer-handler.

§ 928.61 *Handlers subject to other orders.* In the case of any handler (as defined in this section) who the Secretary determines disposed of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, or who otherwise is determined pursuant to the provisions of another milk marketing agreement or order to be subject to the pricing and payment provisions of such agreement or order, the provisions of the order shall not apply except as follows:

(a) The handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator pursuant to § 928.33.

(b) If the value of skim milk and butterfat disposed of as Class I milk on routes in the marketing area, as determined under the other order to which such handler is subject, is less than its value as computed pursuant to this subpart, such handler shall pay the difference to the market administrator. The amount of the payment so computed shall be reduced by the amount of any contra differences in the values of Class I milk so disposed of in the immediately preceding eleven delivery periods which have not served to reduce the payment for any intervening delivery period.

(c) On or before the 14th day after the end of the delivery period payment of the net amount computed pursuant to paragraph (b) of this section shall be made to the market administrator who shall:

(1) Transfer the amount of such payment to the market administrator of the order to which the handler is subject, if such order provides for receipt of such funds and their distribution to producers whose milk is priced under such order; or

(2) Otherwise deposit such amount in the producer-settlement fund.

§ 928.62 *Handlers doing less than 10 percent of their business in the marketing area.* In the case of any handler (except a handler who would be covered under § 928.61) who the Secretary determines disposes of less than 10 percent of his milk, qualified for distribution as Grade A milk in the marketing area, as Class I milk in the marketing area, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator shall require and shall allow verification of such reports by the market administrator pursuant to § 928.33;

(b) Pay to the market administrator for deposit into the producer-settlement fund, with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area, an amount equal to the difference between the Class I and Class II value of such skim milk or butterfat as computed pursuant to this part;

(c) As his prorata share of the expense of administration of this part, such handler shall pay to the market administrator on each hundredweight of milk disposed of as Class I milk in the marketing area the amount per hundredweight in the manner specified in § 928.97.

DETERMINATION OF UNIFORM PRICES

§ 928.70 *Computation of value of milk.* The value of milk received during each delivery period by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices adjusted by the butterfat differential to handlers specified in § 928.52 and adding together the resulting amounts: *Provided,* That if the handler had an overage of either skim milk or butterfat there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 928.46 (a) (5) or (b) by the applicable class prices.

§ 928.71 *Computation of uniform price.* For each delivery period of September 1957 through February 1958 and for each delivery period of August through January thereafter the market administrator shall compute the uniform price per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 928.70 for all handlers who made the reports prescribed in § 928.30 and who made the payments required pursuant to § 928.93 for the preceding delivery period.

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 928.95;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 928.91 and multiply the resulting figure by the total hundredweight of such milk;

(d) Add the aggregate of the value of all allowable location adjustments to producers pursuant to § 928.91 (b);

(e) Divide the resulting amount by the total hundredweight of milk included in this computation, and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount per hundredweight computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 4.0 percent butterfat content received from producers.

§ 928.72 *Computation of the uniform prices for base milk and for excess milk.* For each of the delivery periods of March 1958 through August 1958 and each of the delivery periods of February through July of each year thereafter, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 928.70 for all handlers who make the reports prescribed in § 928.30 and who made the required payments pursuant to § 928.93 for the preceding delivery period.

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 928.95;

(c) Subtract if the average butterfat content of producer milk represented in the values in paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 928.91 and multiply the resulting figure by the total hundredweight of such milk.

(d) Add the aggregate of the value of all allowable location adjustments to producers pursuant to § 928.91 (b);

(e) Compute the total pounds of milk delivered by producers which are not in excess of their respective bases;

(f) Compute the total value of producer milk in excess of the delivered bases of all producers as follows: (1) Allocate in series beginning with Class II the total pounds of producer milk in excess of the total pounds of delivered base milk computed pursuant to paragraph (d) of this section; (2) multiply the total pounds of excess milk allocated to each class by the appropriate class prices computed pursuant to § 928.51 and add the resulting totals;

(g) Subtract from the value computed pursuant to paragraph (c) of this section the value of excess milk computed pursuant to paragraph (e) (2) of this section and divide the resulting total by the total hundredweight of base milk as computed in paragraph (d) of this section.

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (f) of this section. The resulting price shall be the uniform price per hundredweight for base milk containing 4.0 percent butterfat.

(i) Divide the value obtained pursuant to paragraph (e) (2) of this section by the total hundredweight of excess milk and round to the nearest full cent. The resulting price shall be the uniform price per hundredweight of excess milk containing 4.0 percent butterfat content.

BASE RATING

§ 928.80 *Determination of daily base of each producer.* For the delivery period of March 1958 through August 1958 and each of the delivery periods of February through July of each year thereafter, the daily base of each producer shall be an amount of milk computed by the market administrator by dividing the total pounds of milk received from such producer by handlers during the preceding delivery periods of September 1957 through December 1957 and preceding delivery periods of Au-

gust through November of each year thereafter by the total number of days for which such producer made deliveries of milk in such period, or by 90, whichever is greater.

§ 928.81 *Determination of the delivery period base of each producer.* For each of the delivery periods of March 1958 through August 1958 and each of the delivery periods of February through July of each year thereafter, the base of each producer shall be an amount of milk computed by the market administrator by multiplying the daily base of such producer by the number of days on which milk was received during such delivery period from such producer by a handler.

§ 928.82 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month in which such base applies that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operation.

(2) If a base is held jointly and such joint holding is terminated, the entire base only may be transferred to one of the joint holders.

§ 928.83 *Announcement of daily bases.* On or before February 15, of each year, the market administrator shall notify each producer of his daily base.

PAYMENTS

§ 928.90 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the last day of each delivery period to each producer for milk received from him during the first 15 days of such delivery period at not less than the Class II price for the preceding delivery period: *Provided,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payments for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association at least 2 days before the end of the delivery period, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

(b) On or before the 17th day after the end of each delivery period, for all milk received during such delivery period from such producer at not less than the applicable uniform prices for such delivery period computed pursuant to §§ 928.71 and 928.72, subject to the following adjustments: (1) The butterfat and location differentials pursuant to § 928.91 (a) and (b); (2) payment made pursuant to paragraph (a) of this section; (3) marketing service deductions pursuant to § 928.96; (4) deductions authorized by the producer; and (5) any error in payments to such producer for past delivery periods: *Provided,* That if by such date such handler has not received full payment for milk for such delivery period pursuant to § 928.94, he may reduce uniformly per hundredweight, for all producers his payments pursuant to this paragraph, by an amount not in excess of the per hundredweight reduction in payments from the market administrator: *Provided further,* That the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments, pursuant to this paragraph, next following that on which such balance of payment is received from the market administrator: *And provided further,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association, on or before the 15th day after the end of each delivery period an amount equal to the sum of the individual payments otherwise payable to such producer in accordance with this paragraph.

§ 928.91 *Producer butterfat and location differentials*—(a) *Butterfat differential.* In making payments pursuant to § 928.90 (b), there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

(b) *Location differential.* For milk which is received from producers at an approved plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the City Hall in Joplin or Nevada, Missouri or Chanute or Independence, Kansas, whichever is closest, there shall be deducted 10 cents per hundredweight of milk if such plant is located more than 50 miles but not more than 60 miles from such city hall, and an additional 2.0 cents for each 15 miles or fraction thereof that such distance exceeds 60 miles.

§ 928.92 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit payments made by handlers pursuant to §§ 928.61 (c) (2), 928.62 (b), 928.93, and 928.95 and out of which he shall make payments to handlers pursuant to §§ 928.94 and 928.95: *Provided,* That payments due to any handler shall be offset by payments due from such handler.

§ 928.93 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the total value of the milk received by such handler from producers as determined pursuant to § 928.70 for such delivery period is greater than an amount computed by multiplying the total hundredweight of milk, or during the delivery period of March 1958 through August 1958 and each of the delivery periods of February through July of each year thereafter the total hundredweight of base milk and excess milk, respectively, received from producers during the delivery period by the applicable uniform price(s), adding together the respective totals and adjusting for the butterfat differential provided for in § 928.91.

§ 928.94 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each delivery period the market administrator shall pay to each handler for payment to producers, or a cooperative association, any amount by which the value of the milk received by such handler from producers as determined pursuant to § 928.70 for the delivery period is less than an amount computed by multiplying the total hundredweight of milk, or during the delivery periods of March 1958 through August 1958 and each of the delivery periods of February through July of each year thereafter the total hundredweight of base milk and excess milk, respectively, received from producers during the delivery period by the applicable uniform price(s), adding together the respective totals and adjusting for the butterfat differential provided for in § 928.91: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 928.95 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 928.96 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 928.90 shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the delivery period, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to sample, test, and check

the weights of milk received from producers and to provide producers with market information.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers who are members of a cooperative association, or who have given written authorization for the rendering of marketing services and the taking of deductions therefor by a cooperative association, and for whom the Secretary determines such a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by such producers and on or before the 15th day after the end of such delivery period pay over such deduction to the cooperative association rendering such services.

§ 928.97 *Expenses of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator on or before the 16th day after the end of the month, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts within the delivery period of: (a) Milk from producers including such handler's own production, and (b) other source milk which is classified as Class I.

§ 928.98 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 928.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 928.101.

§ 928.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 928.102 *Continuing obligations.* If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 928.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 928.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 928.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 57-4580; Filed, June 5, 1957; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 520, 521, 523, 528]

EMPLOYMENT OF STUDENT LEARNERS, APPRENTICES, MESSENGERS; AND ANNULMENT OR WITHDRAWAL OF CERTIFICATES FOR EMPLOYMENT OF LEARNERS, HANDICAPPED PERSONS, AND STUDENT WORKERS AT SUBMINIMUM WAGE RATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 214), the Administrator has heretofore issued regulations providing for the employment of student learners, apprentices, and messengers at subminimum wages (29 CFR Parts 520, 521, and 523) and regulations providing for the annulment or withdrawal of certificates for employment of learners, handicapped persons, and student workers at subminimum wages (29 CFR Part 528). The purpose of this amendment is to provide a single uniform procedure for the annulment or withdrawal of subminimum wage certificates issued pursuant to section 14 of the act by extending the application of Part 528 to certificates issued for the employment of student-learners, apprentices, and messengers.

Accordingly, pursuant to authority under section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. 214), Reorganization Plan No. 6 (5 U. S. C. 611), and General Order No. 45-A (15 F. R. 3290), notice is hereby given that the Administrator of the Wage and Hour Division, United States Department of Labor, proposes to amend Title 29, Code of Federal Regulations, Parts 520, 521, 523, and 528, as follows:

1. Sections 520.8 and 520.9 are hereby revoked.

2. In § 520.10 (a) the phrase "in denying, granting, or cancelling a special student learner certificate" is revised to read "in denying or granting a special student learner certificate".

3. Section 521.9 is hereby revoked.

4. Section 521.10 is amended to read as follows:

§ 521.10 *Investigations and hearings.* The Administrator or his authorized representative may conduct an investigation, which may include a public hearing, prior to issuing or denying an application for a special certificate. Interested persons shall be given notice of any such hearing by publication in the FEDERAL REGISTER and shall be afforded an opportunity to present their views.

5. In § 521.11 (a) the phrase "in denying, granting, or cancelling a special certificate" is revised to read "in denying or granting a special certificate".

6. Section 523.12 is hereby revoked.

7. The title of Part 528 is hereby amended to read as follows: "Part 528—Annulment or Withdrawal of Certificates for Employment of Learners, Handicapped Persons, Student Workers, Student Learners, Apprentices, and Messengers at Subminimum Wage Rates".

8. Section 528.1 is hereby amended by deleting the phrase "issued pursuant to Parts 522, 524, and 527 of this chapter," and inserting in its place the phrase "issued pursuant to Parts 520, 521, 522, 523, 524, and 527 of this chapter."

9. Section 528.5 is hereby amended to read as follows:

§ 528.5 *Proceedings for withdrawal or annulment.* The officer authorized to withdraw or annul a certificate under § 528.3 shall institute proceedings by a letter mailed to the employer and, where appropriate, to the apprenticeship agency (in the case of apprentice certificates) or the responsible school official (in the case of student-learner certificates), setting forth alleged facts which may warrant such annulment or withdrawal and advising him that such an annulment or withdrawal of the scope provided in § 528.7 will take effect at a time specified unless facts are presented which convince the authorized officer that such action should not be taken. The letter shall advise such person, agency, or official of the right to respond by mail or to appear by or with counsel or by other duly qualified representative at the specified time and place. If there is no timely objection to the withdrawal or annulment as proposed then it shall be deemed issued and effective according to the terms of the letter instituting the withdrawal or annulment proceedings without the necessity of any further action. If objection to the annulment or withdrawal as proposed is made within the specified time the further proceedings shall be as informal as practicable commensurate with orderly dispatch and fairness. Department of Labor investigation files or reports, or portions thereof, may be considered in such proceedings to the extent they are made available for examination during the proceedings. If objection to the proposed annulment or withdrawal is made by such specified time, the authorized officer shall, after considering all pertinent matter presented, mail a letter to the employer and, where appropriate, to the apprenticeship agency or the responsible school official, setting out his findings of specific pertinent facts and conclusions and his order concerning the proposed annulment or withdrawal. In proceedings instituted for annulment, the order may provide for withdrawal instead of annulment, if the proof warrants such withdrawal but fails to support adequately the annulment. Such an order shall be deemed issued and effective according to its terms when mailed.

10. In § 528.6, the first sentence is hereby amended to read as follows: "Any employer and, when appropriate, any apprenticeship agency or responsible school official, who expressed timely objection to the proposed action prior to issuance of an order of annulment or withdrawal may obtain review, limited to the question of whether the findings of fact support the order under the regulations in this part."

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, interested persons may submit written exceptions to the proposed actions herein described. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Signed at Washington, D. C., this 29th day of May 1957.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 57-4605; Filed, June 5, 1957; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12040; FCC 57-569]

TELEVISION BROADCAST STATIONS; WAUSAU, WISC.-IRON MOUNTAIN, MICH.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Wausau, Wisc.-Iron Mountain, Mich.).

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on March 14, 1957, by Alvin E. O'Konski Enterprises, Inc., requesting an amendment of § 3.606 *Table of assignments,* rules governing Television Broadcast Stations, so as to assign Channel 9 to Wausau, Wisconsin as follows:

City	Channel No.	
	Present	Proposed
Wausau, Wis.	7−, 16+, *46−9, 27	7−, 9, 16+, *46−[1] 8, 27
Iron Mountain, Mich.		

[1] A more efficient allocation would be the assignment of Channel 8− to Iron Mountain. This would require a change in the offset carrier requirement of the Channel 8 assignment at Duluth-Superior, Wisconsin from Channel 8 minus to 8 even. Interested parties should also direct their comments to this facet of the matter.

3. In support of the proposal petitioner urges that it would permit an additional television station in Wausau without affecting any other existing or proposed station; that the proposal conforms with the Rules; and that transmitter sites are available which would meet the spacing requirements and from which the required city-grade signals could be placed over the cities of Wausau and Iron Mountain.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views and relevant data.

5. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before June 28, 1957, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: May 29, 1957.

Released: June 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-4598; Filed, June 5, 1957; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 12041; FCC 57-570]

TELEVISION BROADCAST STATIONS; EUREKA, CALIF.-BROOKINGS, OREG.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Eureka, Calif.-Brookings, Oreg.).

1. Notice is hereby given that the Commission has received two proposals for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition for rule making filed on March 8, 1957 by Carroll R. Hauser, requesting an amendment of § 3.606 *Table of assignments,* Television Broadcast Stations, so as to assign Channel 6 to Eureka, California in lieu of Channel 13 as follows:

City	Channel No.	
	Present	Proposed
Eureka, Calif.	3—, 13—	3—, 6—

3. In support of the proposal petitioner submits that he is the permittee of Station KHUM–TV authorized to construct on Channel 13; that in view of the rough terrain in the area and the fact that the population is scattered over a wide area there is need for a low VHF channel; that such a channel would provide the widest possible coverage and competitive equality with the other station in the area; and that it conforms to all the rules. Petitioner further requests that the Commission order him to show cause why his outstanding authorization for KHUM–TV should not be modified to specify operation on Channel 6 in lieu of Channel 13.

4. The Commission also has before it the conflicting petition filed by Oregon Broadcasting Company on March 21, 1957, requesting that Channel 6 — be assigned to Brookings, Oregon, a community not presently listed in the Table of Assignments. Since Eureka and Brookings are only 90 miles apart the two requests are mutually exclusive.

5. In support of its request Oregon Broadcasting Company urges that a low band VHF channel is needed in this area due to the rough terrain; that the proposal conforms to the rules; that it would serve a large population; and that it will file an application for a station in the event the proposal is adopted.

6. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views and relevant data. Since Channel 6 may be added to Eureka without affecting Channel 13, there is no need to modify the authorization of KHUM–TV and the request of Carroll R. Hauser for a Show Cause Order is denied.

7. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

8. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before June 28, 1957, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

9. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: May 29, 1957.

Released: June 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–4599; Filed, June 5, 1957; 8:51 a. m.]

[47 CFR Part 18]

[Docket No. 12043; FCC 57–577]

INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICE

ULTRASONIC EQUIPMENT

In the matter of amendment of § 18.71 (b) of the Commission's rules and regulations with respect to Ultrasonic Equipment.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has received a petition from the Ultrasonic Manufacturer's Association requesting that the Rules be amended to make it possible to operate ultrasonic equipment in the frequency bands 490–510 kc, 2170–2194 kc, and 8354–8374 kc, of which the center frequencies 500 kc, 2182 kc and 8364 kc are, respectively, the international distress frequency for radiotelegraphy in the maritime mobile and aeronautical mobile services, the international distress frequency for radiotelephony in the maritime mobile service and the frequency for use by survival craft for communications relating to search and rescue operations.

3. Section 18.71 (b) of the Commission's rules now permits the operation of ultrasonic equipment on all frequencies except those in the above-mentioned bands. The petition states that one of the most important functions of certain ultrasonic measurement equipment is the measurement of metal wall thickness from one side of the wall. This is accomplished by measuring the resonant frequency, since for a particular material each thickness has a corresponding resonant frequency. If all thicknesses must be measured, all frequencies must be available for use in the test instrument. Ultrasonic test instruments using the resonance method are used to make thickness measurements and to detect laminar flaws on complex parts such as missile, airframe and aircraft engine components. With the exception of some special purpose designs, it is not possible to design satisfactory test equipment unless the entire frequency range can be used.

4. The Petitioner has requested that all ultrasonic equipment be permitted to operate on the above-mentioned frequencies provided the power of the device does not exceed 10 watts. The Commission believes that the Petitioner's request is a reasonable one and is proposing a rule amendment which, if adopted, will provide the desired relief. However, since the radiation limits set forth in the rules, do not depend on the amount of power used when the device is operated on frequencies above 490 kc, it is believed to be more appropriate to amend the rules on the basis of ultrasonic measurement equipment operating over a continuous band of frequencies rather than on a maximum power limitation. In addition to the existing safeguard of low permissible radiation on frequencies above 490 kc, it is considered that the continuously tunable ultrasonic measurement equipment will remain on any particular frequency for such a short period of time that the interference potential from such equipment will be minimized. The proposed rule amendment is set forth below.

5. This proposal to amend the Commission's rules is issued under the Authority of sections 4 (i), 301, and 303 (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendment should not be adopted in the form set forth herein, may file with the Commission on or before June 28, 1957, written data, views or arguments setting forth his comments. Comments in support of these proposals may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless specifically requested by the Commission or good cause for the filing of such comments is established.

7. In accordance with the provisions of § 1.764 of the Commission's rules an original and 14 copies of all statements, briefs, or comments, filed shall be furnished the Federal Communications Commission.

Adopted: May 29, 1957.

Released: June 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend § 18.71 (b) of the Commission's rules to read as follows:

(b) Except for ultrasonic measurement equipment that operates over a continuous band of frequencies, the fundamental frequency of operation shall fall outside the frequency bands 490–510 kc, 2170–2194 kc, and 8354–8374 kc.

[F. R. Doc. 57–4600; Filed, June 5, 1957; 8:51 a. m.]

[47 CFR Part 21]

[Docket No. 12042; FCC 57–574]

DOMESTIC PUBLIC RADIO SERVICES

NOTICE OF PROPOSED RULE-MAKING

In the matter of amendment of Subparts A, B, D, G, I and J of Part 21 of the

Commission's rules—Domestic Public Radio Services (other than Maritime Mobile). Docket No. 12042.

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. It is proposed, by this rule-making proceeding, to liberalize the permissible usage of Microwave Auxiliary stations; correct a typographical error in listing of the frequency band available for assignment to Microwave Auxiliary stations under § 21.801 (h) of the rules; adopt a rule setting forth procedures to be followed where a radio communication circuit is established between the United States and Canada or Mexico; set forth in definitive rules established policies and requirements which have consistently been applicable (1) in cases where licensees of facilities in the Domestic Public Land Mobile Radio Service seek to operate multiple channels in a single system, and (2) in cases where licensees of certain Point-to-Point Microwave Radio stations operate facilities at temporary fixed locations; add a provision to the present rule which designates the service areas of base stations in the Domestic Public Land Mobile Radio Service, to specify the contours shown by this section as the limits of service areas in which a licensee shall be entitled to protection in relation to harmful co-channel electrical interference and the limits within which consideration will be accorded claims of economic injury; and to clarify the status of construction permits which, by the terms stated therein, expire at a date subsequent to the expiration date of a related station license or licenses.

3. It is proposed to accomplish this by:

(a) Adding a definition of a Fixed Microwave Auxiliary station (§ 21.1).

(b) Amending § 21.801 (h) to specify the frequency band 27.23–27.28 Mc in lieu of 27.23–27.38 Mc.

(c) Adopting new rule (§ 21.214) requiring prior notification to the Commission of the use of temporary fixed stations to effect communication into Canada or Mexico, to permit prior Commission consideration and correlation, with the respective foreign government, wherever necessary.

(d) Adopting a new rule (§ 21.516) requiring a special showing of public interest, convenience and necessity in connection with all applications for the use of additional operating frequencies at an existing Domestic Public Land Mobile Radio station.

(e) Adopting a new rule (§ 21.708) requiring specific prior notification of the operation of all point-to-point microwave stations at temporary fixed locations.

(f) Adding a new paragraph to § 21.504 of the rules, to specify that the service contours described therein are applicable in determining the extent of co-channel electrical interference to, and the area within which consideration will be accorded claims of economic competitive injury.

(g) Adding a new paragraph to § 21.32 to specify the disposition to be made of construction permits which by their terms do not expire until a date subsequent to related station licenses that have been terminated or expired.

(h) Amending § 21.30 (a) and (b) to reflect the limitation on periods of construction as proposed in (g) above.

4. The proposed amendments, authority for which is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, are set forth below.

5. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before July 15, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to original comments may be filed within ten days from the last day for filing original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission; or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter and, if any comments appear to warrant the holding of a hearing or oral arguments, a notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: May 29, 1957.

Released: June 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend Part 21 of the Commission's rules in the following particulars:

1. Delete the definition of a Microwave Auxiliary station under § 21.1 and substitute the following:

Mobile microwave auxiliary station. A mobile station used in connection with (1) the alignment of microwave transmitting and receiving antenna systems and equipment, (2) coordination of microwave radio survey operations, and (3) cue and contact control of television pickup station operations.

Fixed microwave auxiliary station. A fixed station used in connection with (1) the alignment of microwave transmitting and receiving antenna systems and equipment, (2) coordination of microwave radio survey operations, and (3) cue and contact control of television pickup station operations.

2. Delete the present text of § 21.801 (h) and substitute the following:

(h) The frequency 27.255 Mc in the 27.23–27.28 Mc band is allocated for assignment to microwave auxiliary stations in this service on a shared basis with other radio services. Assignments to stations on this frequency will not be protected from such interference as may be experienced from the emissions of industrial, scientific and medical equipment operating on 27.12 Mc in accordance with § 2.104 (a) of this chapter.

3. Add a new § 21.214 to read as follows:

§ 21.214 *Operation of stations at temporary fixed locations for communication between the United States and Canada or Mexico.* Stations authorized to operate at temporary fixed locations shall not be used for transmissions between the United States and Canada, or the United States and Mexico, without prior specific notification to, and authorization from, the Commission. Notification of such intended usage of the facilities should include a detailed showing of the operation proposed, including the parties involved, the nature of the communications to be handled, the terms and conditions of such operations, the time and place of operation, such other matters as the applicant deems relevant, and a showing as to how the public interest, convenience and necessity would be served by the proposed operation. Such notification should be given sufficiently in advance of the proposed date of operation to permit any appropriate correlation with the respective foreign government involved (see §§ 21.611, 21.708, and 21.806).

4. Add a new § 21.516 to read as follows:

§ 21.516 *Additional showing required with application for assignment of additional channel.* An application for the assignment of an additional channel at an existing Domestic Public Land Mobile radio station (other than control or repeater), in addition to the information required by other sections of these rules, shall include a showing of the following:

(a) The name of each prospective subscriber for which an order for service is being held including information as to the type of business or other activity for which communication is required, and the number of mobile units desired by each prospective subscriber.

(b) Data showing the actual traffic loading on the present radio system during three days of normal message traffic selected at random within 30 days prior to the date of filing. This information should be reported separately for each of the three days selected, which should be identified by dates, and should disclose, but not necessarily be limited to, the following:

(1) The number of mobile units using the service during a 24-hour period commencing at midnight.

(2) The number of messages handled each hour.

(3) The number of calls held due to busy radio circuit conditions during each hour.

(4) The total holding time of calls held during each hour.

(5) The maximum holding time on any call during each hour.

5. Add a new § 21.708 to read as follows:

§ 21.708 *Notification of station operation at temporary locations.* (a) The licensee of stations which are authorized pursuant to the provisions of § 21.707 shall notify the Commission, and its Engineer-in-Charge of the radio district wherein operation is to be conducted, at least two days prior to installation of the facilities, stating:

(1) The call sign and specific location of transmitter.

(2) The location of the transmitting or receiving station with which it will communicate and the identity of the correspondent operating such facilities.

(3) The exact frequency or frequencies to be used.

(4) The public interest, convenience and necessity to be served by operation of the proposed installation.

(5) The commencement and termination dates of operation from each location.

(b) A copy of this notification shall be posted with the station license. (See § 21.214.)

6. Designate the present text of § 21.504 as paragraph (a) and add paragraph (b). As amended, § 21.504 reads as follows:

§ 21.504 *Service area of base station.* (a) The limits of reliable service area of a base station are considered to be described by a field strength contour of 37 decibels above one microvolt per meter for stations engaged in two-way communication service with mobile stations and 43 decibels above one microvolt per meter for stations engaged in one-way signaling service. Service within that area is generally expected to have an average reliability of not less than ninety percent.

(b) The field strength contours described in paragraph (a) of this section shall be regarded as determining the limits of the reliable service area of the related base stations for the purpose of providing protection to such stations from co-channel electrical harmful interference and defining the area within which consideration will be accorded claims of economic competitive injury.

7. Designate the present text of § 21.32 as paragraph (a) and add paragraph (b). As amended, § 21.32 reads as follows:

§ 21.32 *License period.* (a) Licenses for stations in the Point-to-Point Microwave Radio and Local Television Transmission Services will be issued for a period not to exceed five years: licenses for stations in the Domestic Public Land Mobile Radio and Rural Radio Services will be issued for a period not to exceed three years; except that licenses for developmental stations will be issued for a period not to exceed one year.* The expiration date of licenses of miscellaneous common carriers in the Domestic Public Land Mobile Radio Service shall be the first day of April in the year of expiration; the expiration date of licenses of telephone company common carriers in the Domestic Public Land Mobile Radio Service shall be the first day of July in the year of expiration; the expiration date of licenses in the Rural Radio Services shall be the first day of November in the year of expiration; the expiration date of licenses in the Point-to-Point Microwave Radio and Local Television Transmission Services shall be the first day of February in the year of expiration; and the expiration date of developmental licenses shall be one year from the date of grant thereof. When a license is granted subsequent to the last renewal date of the class of license involved, the license shall be issued only for the unexpired period of the current license term of such class.

(b) Upon the expiration or termination of any station license, any related construction permit, which bears a later expiration date, shall be automatically terminated concurrently with the related station license, unless it shall have been determined by the Commission that the public interest, convenience or necessity would be served by continuing in effect said construction permit.

8. Amend § 21.30 to read as follows:

§ 21.30 *Period of construction.* (a) Except for stations in the Point-to-Point Microwave Radio Service, and except as may be limited by § 21.32 (b), each construction permit for a radio station in the Domestic Common Carrier Radio Services will specify a maximum of 60 days from the date of grant thereof as the time within which construction of the station shall begin, and a maximum of eight months from the date of grant as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case (see §§ 21.29 (d) and 21.31 (a)).

(b) For stations in the Point-to-Point Microwave Radio Service, and except as may be limited by § 21.32 (b), the construction permit issued by the Commission will specify the date of grant as the earliest date of commencement of construction and a maximum of 18 months thereafter as the time within which construction shall be completed and the station be ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

[F. R. Doc. 57-4601; Filed, June 5, 1957; 8:51 a. m.]

* In the case of common carrier Television-STL and Television Pickup stations to which are assigned frequencies allocated to the broadcast services, the authorization to use frequencies shall, in any event, terminate simultaneously with the expiration of the authorization for the broadcast station to which such service is rendered.

FEDERAL TRADE COMMISSION

[16 CFR Ch. I]

[File No. 21-492]

TRADE PRACTICE RULES FOR THE METAL AWNING INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to all persons, firms, corporations, organizations, or other parties, affected by or having an interest in the proposed trade practice rules for the Metal Awning Industry (awnings, canopies, carports, etc.), to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than June 20, 1957. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., e. d. t., June 20, 1957, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through this proceeding consists of persons, firms, corporations, and organizations engaged in the manufacture, fabrication, assembly, sale, offering for sale, or distribution of products which are primarily of metal composition and are used for the purpose of providing protection to windows, doors, patios, terraces, breezeways, porches, driveways, and other outdoor areas, from sun, rain, hail, snow, or sleet, including, but not limited to, window awnings, door canopies, and carports, and parts and accessories for such products.

Proceedings looking to the promulgation of trade practice rules for this industry were instituted pursuant to an industry application. A general trade practice conference was held in Washington, D. C., on October 29, 1956, at which rules were proposed for Commission consideration. The announced hearing constitutes a further step in the proceedings.

Issued: June 3, 1957.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-4571; Filed, June 5, 1957; 8:46 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

ORGANIZATION AND FUNCTIONS OF THE UNITED STATES SOLDIERS' HOME

The following organizations and functions of the United States Soldiers' Home are published for information and guidance of all concerned:

(a) *Purpose.* The purpose of the U. S. Soldiers' Home is to provide a Home and other benefits authorized by law for the relief and support of certain old, invalid or disabled soldiers, airmen, warrant officers and soldiers of the Regular Army or Regular Air Force of the United States.

(b) *Board of Commissioners*—(1) *Members.* The general supervision and financial administration of the United States Soldiers' Home are placed by Congress in the Board of Commissioners, composed of the following officers of the Army, ex officio: The Adjutant General, The Judge Advocate General, The Quartermaster General, The Surgeon General, Chief of Engineers, Chief of Finance, and the Governor of the Home, any four of whom shall constitute a quorum for the transaction of business.

(2) *Authority.* The majority of the Board of Commissioners shall have the power to establish, from time to time, regulations for the general and internal direction of the institution, to be submitted to the Secretary of the Army for approval, and may do any other acts necessary for the government and interest of the Home.

(3) *President.* The senior in rank of the Board of Commissioners shall be the President of said Board. For the purpose only of determining the relative rank among members of the Board of Commissioners, any retired Army officer thereon shall be accorded seniority according to his grade and rank therein, regardless of his retired status.

(4) *Acting member.* When the place of any Chief of Bureau named by law as a member of the Board of Commissioners has been temporarily filled, because of death, resignation, absence or sickness, the person so temporarily acting may perform the duties of such officer as a member of the Board of Commissioners of the United States Soldiers' Home just as he performs the other duties of the officer in whose stead he is acting.

(5) *Meetings.* The Board of Commissioners will meet regularly once a month. Special meetings will be held at other times when necessary. The President of the Board of Commissioners or any two members may call a special meeting. The Board will meet at such time and place as the Board may designate. Due notice shall be given to each member of the Board for all regular and special meetings.

(6) *Duties.* The Board of Commissioners, subject to the law and superior authority, will decide all questions of finance and administration; will order all expenditures; call for all reports to enable them to maintain an absolute control of the institution and to respond to higher authority; will decide all applications for admission to the privileges of the Home and entertain all appeals from officers or members of the same, for redress.

(7) *Not a corporation.* The Board of Commissioners is not a corporation with capacity to sue or be sued.

(8) *Appointment and removal of officers.* The Board of Commissioners will make to the President of the United States, through the Secretary of the Army, recommendations for the appointment of officers of the Home and for the removal of such officers as they believe will better insure the harmonious and economical workings of the establishment.

(9) *Limitations of authority and annual report.* The Board of Commissioners will order no purchase of land, or the erection of any buildings, or any expenditure of more than $5,000.00 without the previous sanction of the Secretary of the Army. The Board shall examine the estimates of the receipts and expenses of the Home and make allotments from lawful appropriations for current expenses from month to month. The Governor of the United States Soldiers' Home shall submit annually, as of the end of the fiscal year, an annual report to the Board of Commissioners. The Annual Report shall be a full statement of the financial and other affairs of the Home, of all admissions and discharges, and generally all facts that may be necessary to a full understanding of the conditions and management of the Home. The Annual Report, when approved by the Board of Commissioners, shall be forwarded through the Secretary of the Air Force to the Secretary of the Army for transmission to Congress. This Annual Report shall constitute the report required by law to be submitted by the Board of Commissioners to the Secretary of the Army for transmission to Congress.

(10) *Audits and inspections.* It is also the duty of the Board of Commissioners to examine and audit the accounts of the Treasurer, monthly. A certified public accountant may be employed for this purpose, provided that the certified public accountant so employed shall be required, upon the completion of each such examination and audit, to submit to the Board of Commissioners a written report thereof, which report shall be examined by the Board at its next regular meeting. The Board of Commissioners or a representative committee thereof will visit and inspect the Home at least once a month. When such inspection is made by a representative committee, the representative committee will submit to the Board of Commissioners a written report of the inspection for examination by the Board at its next regular meeting.

(11) *Donations of money or property.* The Board of Commissioners is also authorized by law to receive all donations of money or property made by any person for the benefit of the institution and hold the same for its sole and exclusive use.

(12) *Secretary.* The Board of Commissioners shall have a Secretary, who will be the channel of communication of the Board and transmit its orders and communications. He will keep a record of the proceedings of the Board of Commissioners, which proceedings shall have the force of orders, and he will receive all applications for admission to the benefits of the Home. He will also take the necessary measures to carry into effect the resolutions and directions of the Board. He will record the name, description, and military history of members of the United States Soldiers' Home. He shall be present at the meetings of the Board and keep the minutes of their proceedings. The office of the Secretary will be at the United States Soldiers' Home.

(c) *Officers and agents of the Home*—(1) *Officers of the Home.* The officers of the institution shall consist of a Governor, a Deputy Governor, and a Secretary-Treasurer, selected by the President of the United States, from officers on the active or retired list of the Army, for a term of three years, unless sooner terminated. The Board of Commissioners, three months in advance of the occurrence of a vacancy in any of the said offices, owing to the expiration of such term of office, or whenever in the opinion of a majority of the Board a change in incumbency of any of said offices is required in the interest of the Home, will submit to the Secretary of the Army the name of a properly qualified successor to such office.

(2) *Other officers and agents.* Officers and agents, other than those provided by law, deemed necessary by the Board of Commissioners for proper administration of the Home, may be employed by the Board for a term of three years, unless sooner terminated, at such compensation as the Board may fix. All officers and agents so employed will perform such duties as may be assigned to them by the Board of Commissioners or the Governor.

(3) *Loans or pledges of property or securities.* No officer of the Home shall borrow any money on the credit of the Home, nor shall any pledge of any of its property or securities for any purpose be valid.

(4) *Compensation.* The compensation of all officers of the Home shall be fixed by the Board of Commissioners, and paid from the funds of the Home.

(5) *The Governor.* The Governor shall have direct supervision of the institution and exercise command of all officers and members of the Home. He will regulate the discipline thereof and will be responsible to the Board of Commissioners for the efficient and economic administration of the Home. He will approve all estimates and expenditures, and may require periodical requisitions

to embrace such supplies as in his judgment ought to be purchased, and such work as should be done in the interest of the persons and property committed to his charge and supervision. He will submit to the Board for consideration the annual budget for the Home, at such time as may be appropriate to enable it to conform to the requirements of the budgetary procedure of the Government. The Governor will submit to the Board of Commissioners an annual report covering the fiscal year. This report shall be a full statement of the financial and other affairs of the Home, of all admissions and discharges, and generally all facts that may be necessary to a full understanding of the conditions and management of the Home. The report of the Secretary-Treasurer and the Chief Surgeon, for the fiscal year, shall be incorporated with and be a part of the Annual Report, United States Soldiers' Home.

(6) *The Deputy Governor.* The Deputy Governor will perform such duties as the Board of Commissioners and the Governor of the Home may prescribe. In case of vacancy, absence, or disability of the Governor, the latter's duties and responsibilities will devolve on the Deputy Governor until such vacancy is filled, or such disability is removed.

(7) *The Secretary-Treasurer.* The Secretary-Treasurer shall be required to give a bond in the penal sum of $20,000.00 for the faithful performance of his duty. He shall receipt for all sums coming to the institution from the Treasury of the United States and from any other proper source, shall keep the same on deposit in the United States Treasury, except such amount of lawfully appropriated sums as may be authorized by the Board of Commissioners for immediate use, and will make such disbursements from lawful appropriations as the Board of Commissioners may order and approve. He will prepare and submit to the Board at each monthly meeting a requisition for funds to cover the estimated expenditure for the ensuing month. He will, at the close of each fiscal year, as soon after June 30 as possible, submit a statement of all funds of the institution, showing balances, receipts, disbursements, and deposits of Soldiers' Home funds, to the Governor of the Home. The report of the Secretary-Treasurer shall be incorporated with and be a part of the Annual Report, United States Soldiers' Home. He will perform such other duties as the Board of Commissioners or the Governor may prescribe.

(8) *The Chief Surgeon.* The Chief Surgeon is responsible to the Governor for the health of all members of the Home, the care of the sick, the administration of the Hospital and other Medical Department activities. He will furnish necessary medical care to civilian employees who may be injured while on duty. He will be furnished an executive assistant and such other assistants as may be deemed necessary. He will have charge of all property pertaining to the Hospital. He will, as soon as possible after June 30th of each year, render to the Governor of the Home a report covering the operations of the Medical Department under his charge for the preceding fiscal year. The report of the Chief Surgeon shall be incorporated with and be a part of the Annual Report, United States Soldiers' Home.

(9) *The Chaplains.* The Chaplains are in charge of the spiritual welfare of the members of the Home, and will devote their sole attention to the religious requirements of the Home. They will hold religious services on Sundays and during the week, at such times as may be designated by the Governor, and will conduct appropriate funeral services at the burial of the dead. They will make frequent visits to the sick and will assist and encourage correspondence between members of the Home, especially the sick in the hospital, and their relatives and friends. Chaplains will render, on the prescribed form, monthly reports of the duties performed by them.

(10) *The Budget and Fiscal Officer.* The Budget and Fiscal Officer (detailed by the Governor from the commissioned officers on duty at the Home) will perform such duties as may be assigned to him by the Governor. Such duties will include:

(i) Contact between the Home, the Budget Officer of the Department of the Army, and other Government agencies in financial matters pertaining to the Home.

(ii) The collection, study and collation of all estimates submitted by the operating agencies of the Home.

(iii) The preparation of the annual budget for the support of the Home.

(iv) The preparation, under the Governor's supervision, of the expenditure program for each fiscal year for submission to the Board of Commissioners, for its consideration and action.

(v) The supervision of the expenditure program as it relates to the operating and obligating agencies of the Home.

(vi) A continuous study of the business of the Home in order that the Governor may initiate any necessary economy or efficiency.

(11) *The Quartermaster and Purchasing Officer.* The Quartermaster and Purchasing Officer will make all authorized purchases and contracts; have charge of the Quartermaster storehouse, and subsistence storehouse, the care and issue of stores belonging thereto, and prepare and have charge of all property returns, except those of the Hospital. He is responsible that all purchases are made upon requisition approved by the Governor and in compliance with laws specifically applicable to the Soldiers' Home and provisions of this document. He will make a complete, detailed, and accurate inventory of all property for which he is responsible, at least once a year, except that inventories of sales articles, including commissaries, will be made monthly by a disinterested officer at such time as the Governor may designate. He will also submit to the Governor of the Home, as soon as practicable after June 30th of each year, a report covering the operations of the activities under his charge, for the previous fiscal year.

(d) *Supplies*—(1) *Procurement of supplies.* All supplies that can be purchased upon contract shall be so purchased after due notice by advertisement, of the lowest responsible bidder.

(2) *Procurement by requisition.* The procurement of supplies of every kind, will be based upon requisitions by the heads of the departments of the Home. All requisitions will be approved by the Governor and will show an itemized list of supplies required, estimated cost, allotment to which charged, and funds available under allotments for purchase thereof.

(3) *Governmental agencies.* Supplies will be purchased from governmental agencies, except when it is to the advantage of the Home to purchase elsewhere. Purchases made from governmental agencies will be considered as purchases under contract, the requirements of law in respect to advertising and contracting having been complied with in the original purchase.

(4) *Open-market purchases.* (i) An open-market purchase of supplies or engagement of services is one made without advertising and is authorized only in the following cases:

(*a*) When immediate delivery of supplies or performance of service is required by an exigency existing at the Home, or

(*b*) It is impossible to secure competition.

(ii) This paragraph will not be considered as prohibiting advertising by oral or written solicitation of prices from a reasonable number of dealers when the facts are such that other means of advertising are not practicable. However, when purchases are made or services engaged by this method of advertising, the Quartermaster and Purchasing Officer will make a record of the names of the persons or firms solicited, and of the prices quoted by them, to be filed with the voucher on which payment for the purchase is made. If the accepted offer is other than the lowest offer made this voucher, or accompanying papers, will show the reason for accepting the higher offer.

(5) *Receipt and inspection.* All supplies purchased by the Home, except medical supplies, will be delivered to the Quartermaster storehouse or at such other place as the Quartermaster and Purchasing Officer may direct. Medical supplies will be delivered at the Hospital. When the supplies ordered by the Quartermaster and Purchasing Officer are received at the Home, they will be inspected without delay to determine if they agree in quality and quantity with the supplies ordered and invoiced. The Secretary-Treasurer will not pay any voucher for supplies unless it bears or is accompanied by the certificate of the Purchasing Officer that the supplies stated thereon have been received, inspected, verified, and accepted. The fact that proper inspection, verification and acceptance of supplies received have been made must be certified to the Purchasing Officer by the Head of the Department to which the supplies are delivered.

(6) *Accountability.* The Quartermaster and Purchasing Officer will account for all property and supplies procured for the Home, except medical supplies

and property (as prescribed in tables issued by the Surgeon General) which will be accounted for by the Chief Surgeon of the Home. When property is lost, destroyed, damaged, or becomes unserviceable through fair wear and tear in the service, the Governor is authorized to appoint an inspector to take proper action. When the property has been surveyed, report thereof will be submitted to the Governor for his action.

(7) *Army regulations.* The Army Regulations will, so far as practicable, govern in all cases not covered by statute or the regulations of the Board of Commissioners in reference to purchases, disbursements, and accounting for property.

(e) *Annual budget; Congressional appropriations*—(1) *Congressional appropriations.* By Section 20 of the Act of Congress, approved 26 June 1934, the United States Soldiers' Home Permanent Fund (Trust Fund) is subject to annual appropriations made by Congress in the same manner as pertains generally to federally appropriated funds.

(2) *Budget.* (i) The Governor will submit to the Board of Commissioners annual estimates of funds required for the support of the Home at such time and in such form as may be prescribed by the Bureau of the Budget and Department of the Army.

(ii) The Governor will take proper steps to justify the estimates approved by the Board of Commissioners before the Budget Officer of the Department of the Army, The Bureau of the Budget, and the Committee of Congress.

(3) *Expenditure program.* After an appropriation has been made by Congress for the support of the Home, the Governor will submit to the Board of Commissioners a proposed expenditure program thereunder, which, when approved, will become the basis for allotments to the obligating agencies of the Home.

(4) *Classification.* The following definitions and classifications of authorized disbursements are prescribed for use in the preparation of the Budget and the Expenditure Program of accounting:

(i) The term "appropriation" will be used to designate the funds authorized by Congress from the Soldiers' Home Permanent Fund (Trust Fund) for the support of the United States Soldiers' Home.

(ii) The term "project" will be used to designate a basic or major division of the appropriation.

(iii) The term "allotment" will be used to designate a subdivision of a project.

(iv) The term "sub-allotment" will be used to designate a sub-division of an allotment.

(5) *Authorizations and limitations.* (i) The President of the Board of Commissioners is empowered to draw from the Permanent Fund of the Home in the manner provided by law and regulations, for each month of the fiscal year, a sum not exceeding the amount authorized by a resolution of the Board of Commissioners for that month.

(ii) If in any month the needs of the Home require an amount in excess of the sum authorized for that month, plus the unexpended balances accruing from previous months, or if necessity arises for an expenditure not authorized under the Expenditure Program, a statement of the amount required in excess, together with a report of the necessity thereof, will be submitted by the Governor to the Board for its action; if the Board approves the additional amount requested, the sum so authorized will be added to the regular requisitions for the month in which it is authorized and the proper project or projects will be increased by the amount so authorized.

(iii) The Board of Commissioners will establish the limitations of the disbursements under projects. The Governor will establish the limitations of allotments, with the amount approved by the Board of Commissioners for the project.

(iv) Transfers other than provided above, from one project in which savings have been made, to another project in which a deficiency may have occurred, will not be made without the approval of the Board of Commissioners.

(v) All unused balances or savings in any project will be covered into the reserve of the appropriation.

(6) *Pay of civilian employees.* Civilian employees are subject to Federal classification rates of pay. The rates of pay shall not be increased for any civilian position, nor shall any new civilian positions be created, without the previous consent of the Board of Commissioners. The Governor is authorized to regulate extra-duty pay and positions for Home members within the amount authorized by the Board of Commissioners for each project.

(7) *Records.* (i) Records will be kept showing disbursements, projects and allotments and sub-allotments under these projects.

(ii) The proceeds of all sales of subsistence supplies, including the 2 percent overhead charge and the proceeds received from the sale of grease and bones, shall be exempt from being covered into the Soldiers' Home Permanent Fund (Trust Fund), and shall be immediately available for purchase of additional supplies.

(iii) The proceeds received from telephone collections shall be exempt from being covered into the Soldiers' Home Permanent Fund (Trust Fund). They shall be credited to the allotment for telephone service and be available for re-expenditure.

(iv) The proceeds from sales of storehouse stock shall be exempt from being covered into the Soldiers' Home Permanent Fund (Trust Fund), and shall be credited back to the storehouse fund and be available for purchase of additional supplies.

(v) The proceeds received from services rendered by employees authorized by the Board of Commissioners to work for the Soldiers' Home Golf and Tennis Club shall be exempt from being covered into the Soldiers' Home Permanent Fund (Trust Fund). They shall be credited to the proper allotment and then be available for re-expenditure.

(vi) The proceeds received from collections for special dental or optical work shall be exempt from being covered into the Soldiers' Home Permanent Fund (Trust Fund). They shall be credited to the proper allotment and then be available for re-expenditure.

(vii) The receipts in any instance by the United States Soldiers' Home for damages or destruction of any of its property or equipment, including its motor vehicles, from insurance companies or from other sources, shall be exempt from being covered into the United States Soldiers' Home Permanent Fund (Trust Fund), and shall be utilized in the payment of expenditures for damages or destruction of property, equipment, or any motor vehicles, then under consideration.

(viii) The proceeds received from the Welfare Fund for overtime paid to employees of the Home (retroactive to 1 July 1953), in connection with any authorized amusements or recreational activities, shall be exempt from being covered into the Soldiers' Home Permanent Fund (Trust Fund). They shall be credited to the proper allotment and then be available for re-expenditure.

(ix) The proceeds received from sales to Home members by the Diversional Shops of the Home of basic materials for wood carving, leather and metal work, etc., shall be exempt from being covered into the Soldiers' Home Permanent Fund (Trust Fund). They shall be credited to the proper allotment and then be available for reexpenditure.

(f) *Members*—(1) *Admission to membership.* Admission to the United States Soldiers' Home is granted by the authority of the Board of Commissioners, and those so admitted to membership will be officially designated as members.

(2) *Applications for admission and readmission.* Application for admission and readmission to the United States Soldiers' Home may be made in person at the Office of the Board of Commissioners of the United States Soldiers' Home, or by letter to the Secretary, Board of Commissioners, at the Soldiers' Home.

(3) *Personnel authorized for admission.* The following persons are eligible for admission to the United States Soldiers' Home, Washington, D. C.:

(i) First: Every soldier, airman, or warrant officer of the Army or Air Force of the United States, who has had some service as an enlisted man or warrant officer in the Regular Army or Regular Air Force, who has served, or who may serve, honestly and faithfully 20 years or more: *Provided,* That in computing the necessary 20 years' time, all active service in the Army or Air Force, whether or not in the regular components thereof, shall be credited. Service in the Navy or Marine Corps, or Coast Guard, or as a commissioned officer cannot be counted.

(ii) Second: Every soldier, airman, or warrant officer of the Army or Air Force of the United States, whether or not in the regular component thereof, who has had some service as an enlisted man or warrant officer in the Regular Army or Regular Air Force, rendered incapable of earning his own livelihood by reason of disease or wounds incurred in the military service of the United States and in line of duty and not the result of his own misconduct.

(iii) Attention is invited to the requirements of some service as an enlisted man or warrant officer in the Regular Army or Regular Air Force. Any soldier who served in an organization of the Regular Army during World War I, shall be considered as having had some service in the Regular Army.

(iv) Enlisted women and warrant officers of the Regular Air Force and enlisted women and warrant officers of the Regular Womens' Army Corps are eligible for membership under the same conditions set forth in this document for enlisted men and warrant officers of the Regular Army and Regular Air Force.

(v) The benefits of the United States Soldiers' Home shall not be extended to any soldier, airman, or warrant officer, in the regular or volunteer service, convicted of a felony or other disgraceful or infamous crime of a civil nature after their admission into the service of the United States; nor shall anyone who has been a deserter, mutineer, or habitual drunkard be received, without such evidence of subsequent service, good conduct, and reformation of character as is satisfactory to the Board of Commissioners.

(4) *Examination for admission or readmission; expenses of travel.* An applicant for admission or readmission, under the Second category of subparagraph (3) of this paragraph, will not be admitted to membership in the Home without a physical examination by a Medical Board at the Home, and a determination by that Board that he is qualified for membership as a result of such examination. All applicants are responsible for their own expenses of travel, whether authorized to report to the Home for admission, or to appear before its Medical Board for examination to qualify for admission: *Provided, however,* That in exceptional cases and when determined necessary by the Governor, he may direct that the expense of travel may be advanced to an applicant, or that the final responsibility therefor may even be assumed by the Home.

(5) *Permanent admission.* (i) Applicants of the First category of subparagraph (3) of this paragraph, who are qualified for admission to the Home by reason of 20 years' active military service, will be admitted as permanent members.

(ii) Applicants of the Second category of subparagraph (3) of this paragraph, who are held qualified for admission to the Home by the Medical Board of the Home for reason of being unable to earn their livelihood because of service-connected disabilities, will be admitted to the Home as permanent members (*a*) if the Medical Board determines that their service-connected disabilities are permanent, (*b*) if they are over 50 years of age. (See subparagraph (6) of this paragraph relative to applicants under 50 years of age who have temporary disabilities.)

(6) *Temporary admission.* Applicants of the Second category of subparagraph (3) of this paragraph, who are held qualified for membership as a result of the determination by the Medical Board of the Home that they are unable to earn their livelihood because of service-connected disabilities, will be admitted to the Home as temporary members if the Medical Board finds that their disabilities are temporary and/or that they are under 50 years of age. Pending such determination, those applicants who were authorized to report, and who reported to the Home for examination before the Medical Board, are entitled to all rights and privileges of members, while at the Home, except issues of clothing.

(7) *Members under 50 years of age with less than 20 years' service.* A physical examination of all members of the Home of less than 20 years' service and under 50 years of age (except those found at the time of their admission to the Home to have a permanent disability) shall be made in April and November of each year, by a Board consisting of the Governor, the Deputy Governor, and the Chief Surgeon, with a view to the discharge of such members as are able to earn their own living. The Board will submit a report of the results of their examination, showing (first) those able to earn their own livelihood and (second) those unable to earn their own livelihood. This report will be submitted to the Board of Commissioners, and after action by the Board, those found able to earn their own livelihood will be discharged by the Governor.

(8) *Separations, readmissions and detached status.* (i) Members of the U. S. Soldiers' Home retain their status as such unless and until they are officially separated from its membership, either by discharge, dismissal, or dropping from the rolls of the Home.

(ii) Any member may be discharged from his membership in the Home at his own request. Any member may be discharged for just cause, as for instance, where the Home Medical Board determines that a temporary member no longer remains qualified for membership because he is found to be able to earn his livelihood and he is required to be separated from his membership for such reason.

(iii) Any member may be dismissed from his membership in the Home for misconduct constituting just cause (see Section 50 below). Such misconduct may include the refusal to undergo proper punishment awarded for violation of Home disciplinary rules.

(iv) Any member may be dropped from the rolls of the Home for unauthorized absence beyond a period of duration, the limits of which were previously determined by the Governor of the Home. Such misconduct will constitute the just cause for the member's separation. Thus, any member may be dropped from the rolls of the Home for going absent without leave, or for failure to report back to the Home after completion of a granted leave of absence, or for being detained in the hands of the police authorities for an offense against the penal laws, when adjudged guilty of such offense.

(v) Any former member of the Home is entitled to readmission to its membership if and when a vacancy exists, and if he was not separated for just cause. When separated for just cause, the following rules for readmission will apply: (*a*) Any applicant for readmission who was separated from the Home because of his own misconduct, and his right to readmission specifically barred or qualified by one or more conditions, may only be readmitted on approval of the Governor of the Home and/or the fulfillment of the one or more conditions, and (*b*) any applicant for readmission, whether or not the preceding rule (*a*) is applicable, who was in the status of a temporary member of the Home at the time of his last separation, may not be readmitted to membership in the Home unless and until, after an examination by the Home Medical Board and a determination by that Board that he still is or again has become unable to earn his livelihood because of a service-connected disability.

(vi) As all persons who have been admitted or readmitted to Home membership do not lose their membership unless and until they are officially separated from same by discharge, dismissal, or dropping from the rolls of the Home, all members in a detached status retain their membership in the Home. Thus they retain their membership when they are transferred to any military or civilian hospital for treatment, or are authorized non-resident privileges on outdoor relief, or are granted leave or furlough from the Home.

(9) *Tubercular members*—(i) *Admission to Army Hospitals.* Applicants for admission to the benefits of the United States Soldiers' Home, entitled to the benefits thereof, who are suffering from tubercular disease, shall be granted admission to certain Army Hospitals for treatment of such disease, and the expense for the maintenance of such members to be paid from the Soldiers' Home funds. No case of tuberculosis will be treated at the United States Soldiers' Home Hospital unless the member is too ill to stand the trip to the Army Hospital, and in such cases only until the member is sufficiently recovered to be able to travel.

(ii) *Readmission of members to Army Hospitals.* The Commanding Officer of the Army Hospital is authorized to readmit, as patients, persons entitled to the benefits of the United States Soldiers' Home in need of medical treatment, who were honorably discharged or furloughed from the Hospital, and in special cases he may also readmit, temporarily, subject to good behavior, patients who were discharged for misconduct, when in his opinion the physical condition of such patients requires it. He will report his action to the Governor of the Home without delay.

(iii) *Discharge of members from Army Hospitals.* Members of the Home who are discharged from Army Hospitals at their own request, or leave same without being properly discharged will not be furnished transportation by the Home. The Commanding Officer of the Hospital will so inform the patient.

(iv) *Return of members to Army Hospitals.* Members of the Home who have been treated at Army Hospitals and have been discharged as cured may be returned to that hospital, at the expense of the Home, in case they suffer a relapse or again contact disease.

(v) *Temporary admission as patients to Army Hospitals.* (a) The Commanding Officer of the designated Army Hospital is authorized, under the provisions of Army Regulations 40–600, to admit, temporarily as patients, persons suffering from tuberculosis who, in his judgment, are entitled to admission to membership in the Home.

(b) The Commanding Officer will report his action to the Governor, United States Soldiers' Home, without delay. He will also transmit to the Secretary of the Board of Commissioners an application prepared on the authorized admission form for the patient's admission to the Home, for consideration of the Board.

(vi) *Pensions of detached members at Army Hospitals.* The Treasurer of the Home shall take the necessary steps to cause the unallotted portions of pensions of detached members, under treatment at the Army Hospitals, to be paid to them, and shall pay over to such pensioners, through the Commanding Officer of the Hospital, such parts of their pension monies thus received, as the Governor shall direct.

(10) *Insane members.* (i) Any member of the Home who may have become insane shall, upon an order of the Governor of the Home, be sent to St. Elizabeth's Hospital for treatment therein.

(ii) The expense of maintaining a member of the Home at St. Elizabeth's Hospital will be paid from Soldiers' Home funds.

(iii) Only the necessary belongings of members who are sent from the Home to any hospital for treatment, will be transferred with the patient. The remainder of the patient's property (except money and securities—see in this regard the next paragraph below) will be inventoried and placed in storage in the Central Baggage Room of the U. S. Soldiers' Home.

(iv) All money and securities, in the custody of the Home, belonging to members transferred to St. Elizabeth's Hospital will be retained in the custody of the Home for lawful disposition.

(v) During the time that any pensioner, who is a member of the United States Soldiers' Home, shall be a patient at St. Elizabeth's Hospital, all money due or becoming due upon his pension will be paid by the Veterans Administration to the Treasurer of the Home.

(vi) In the case of death of a member of the United States Soldiers' Home, while a patient at St. Elizabeth's Hospital, any balance to his credit at St. Elizabeth's Hospital will be returned to the Treasurer of the Home.

(11) *Outdoor relief.* (i) The Board of Commissioners of the United States Soldiers' Home is authorized to aid persons entitled to admission to the Home by outdoor relief in such manner and to such extent as the Board may deem proper, but such relief shall not exceed the average cost of maintaining a resident member of the Home.

(ii) The general regulations governing the payment of outdoor relief are as follows:

(a) Applications for outdoor relief will be considered only when submitted by persons eligible for admission to the benefits of the Home under this paragraph.

(b) Outdoor relief members must live permanently in the United States.

(c) Outdoor relief members must have dependent relatives whose care will not permit them to longer reside in, or to enter the Home.

(d) The maximum amount authorized to be paid any outdoor relief member will be fixed by the Board of Commissioners, and in no case shall it exceed the cost of maintaining a resident member.

(e) Outdoor relief is not authorized to those who receive a pension, retired pay or war-risk compensation, equal to or greater than the maximum amount of outdoor relief fixed by the Board of Commissioners for outdoor relief members. An outdoor relief member who receives a pension, retired pay, or war-risk compensation, the total amount of which is less than the maximum amount allowed an outdoor relief member, may be paid outdoor relief in an amount equal to the difference between this maximum amount and the sum of his pension, retired pay, or war-risk compensation.

(f) Upon the death of an outdoor relief member, the Treasurer may pay to the widow the amount which would have been due the deceased, had he been living at the end of the month in which he died.

(g) Outdoor relief will be paid by the Secretary-Treasurer of the Home at the end of each month only.

(h) Outdoor relief members, who have become resident members, may, after leaving the Home, be restored to the status of outdoor relief by the Governor of the Home.

(i) The Governor will cause the Secretary-Treasurer to obtain a report, annually in June, from each outdoor relief member of the Home. This report will show the member's place of residence and occupation during the preceding twelve months, his circumstances with respect to employment, occupation, business, income (including retired pay), and property; the number and relationship of any person or persons depending upon him for support; and the rate of pension or compensation he received from the United States Government, and his pension or compensation certificate. Accompanying the report will be a medical certificate showing the nature and degree of any disability existing at the time the report is made. The report will be sworn to before some official authorized to administer oaths. Each report will be carefully examined by the Treasurer, who will submit to the Board of Commissioners, through the Governor, every case which appears to demand consideration of the question of suspension or stoppage of outdoor relief.

(j) A medical certificate will not be required of outdoor relief members who have had twenty years' service, as defined in subparagraph (3) of this paragraph. In view of the probable expense of obtaining a certificate, the payment of outdoor relief for the month of July will be increased by $1.00 for those only who are required to furnish a medical certificate, and actually do so.

(k) Payments for the month of July will not be made until the report, properly filled out, has been received by the Secretary-Treasurer.

(12) *Pensions, retired pay and war-risk compensation.* (i) The pensions of all members of the Home, including those who are patients at an Army Hospital or St. Elizabeth's Hospital, except as assigned to child, wife, or parent, shall be paid to the Treasurer of the Home, to be held by him in trust for the pensioner. The Governor may direct, as he thinks best for a member's interest, the payment to him of a part or the whole of his pension, under such rules as the Board of Commissioners may prescribe, but upon discharge of such pensioner from the status of a member, he will be paid in full; and in case of his death, payment will be made to his legal heirs, if such there be.

(ii) The Pension Fund is a Trust Fund, separate from the Soldiers' Home Permanent Fund (Trust Fund), and will not be used for current expenses. The same restriction will apply to the Members' Fund, and to property in custody of the Home belonging to estates of deceased members, which has not passed escheat to the Home.

(iii) Retired pay and war-risk compensation of members is not surrendered to the Home.

(13) *Pocket money.* Any member who has no funds of his own, or income from any source whatsoever, may be paid monthly, from Home funds, an allowance for pocket money, by direction of the Governor, not to exceed an amount authorized by the Board of Commissioners. Any applicant residing at the Home, awaiting final determination of his qualification for membership, will be eligible for such an allowance, by direction of the Governor, where the applicant may have to undergo a prolonged period of medical tests, and is without funds of his own, or income from any source whatsoever. This allowance will be subject to forfeiture for misconduct or to discharge indebtedness to the Home.

(14) *Uniform and clothing.* (i) Each member of the Home will be furnished, without cost to him, with a uniform of such pattern as may be prescribed by the Board of Commissioners.

(ii) They will also be furnished, without charge, other necessary articles of clothing, including overcoat, raincoat, bathrobe, shirts, hats, shoes, and, in addition, bedding and subsistence, and, when necessary, medical attention and hospital care. The required laundry work, dry-cleaning, and shoe repair, will be furnished without cost to the member. Members are responsible for all articles of Soldiers' Home property issued to them, and may be required to make good the value of any article lost or damaged, except through fair wear and tear. The Clothing allowance will be fixed and issues made under such rules as the Governor may prescribe. Temporary members will be issued only such articles of clothing as may be recommended by the Chief Surgeon of the Home, as are necessary during their temporary status.

(15) *Discipline*—(i) *Regulations.* Members of the U. S. Soldiers' Home are subject to the Uniform Code of Military Justice, and/or the General Regulations of the U. S. Soldiers' Home.

(ii) *Infractions of discipline.* The Governor shall have the power to appoint an officer of the Home to examine into any infraction of discipline that may be committed by any member of the Home. This officer shall make a record of his examination, stating briefly the facts and circumstances attending the same, with his conclusions and recommendations, and submit such record to the Governor for his action, under the rules and regulations for the government of the Home.

(iii) *Dismissal.* Authority for dismissal for misconduct, constituting just cause, is vested in the Governor of the Home, who shall, upon dismissal of a member, make a report of the pertinent facts of the Board of Commissioners, for its information.

(16) *Deceased members*—(i) *District of Columbia or vicinity.* Members who die in the District of Columbia, or in the nearby vicinity thereof, are entitled to burial with military honors in the Soldiers' Home National Cemetery.

(ii) *Burial and funeral expenses.* The Governor shall have authority to direct payment from Soldiers' Home funds of a sum not to exceed $150.00 for burial and funeral expenses of a member who dies away from the Home and not in the nearby vicinity of the District of Columbia. He shall also have the authority to direct additional payment from the same funds of the actual and necessary cost of transportation of the body of the decedent to the nearest National Cemetery for burial therein.

(iii) *Estates of deceased members.* So much of the estates of deceased members and detached members of the Home, who die in any Hospital where sent from the Home for treatment, as comes within the custody of the Home or Hospital authorities, will be disposed of according to sec. 4712, 70A Stat. 264; 10 U. S. C. 4712.

(17) *Leave of absence.* Civilian employees of the U. S. Soldiers' Home are subject to the time and leave provisions of the Federal Employee Acts.

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-4566; Filed, June 5, 1957; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

MAY 28, 1957.

The notice of proposed withdrawal and reservation of lands, Sacramento 052890, Cinder Cone Wildlife Area, published in the FEDERAL REGISTER issue of Thursday, April 18, 1957, page 2715 (F. R. Doc. 57-3126), is corrected as to the land description in Section 33, T. 36 N., R. 5 E., M. D. M., to read as follows: SE¼NE¼, W½, S½SE¼, NE¼SE¼.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-4567; Filed, June 5, 1957; 8:45 a. m.]

[Serial No. Idaho 08047]

IDAHO

NOTICE OF PUBLIC HEARING

MAY 31, 1957.

Notice is hereby given that public hearing will be held at 10:00 a. m. on the 11th day of July next and if circumstances warrant on the 12th day of July next, in the District Court Room, Bonneville County Court House, pertaining to the request by the Atomic Energy Commission (Idaho 08047), for the withdrawal from all forms of appropriation under the public land laws, general mining and mineral leasing laws, of the lands described hereafter for use by the Atomic Energy Commission as a Reactor Testing Station, published in the FEDERAL REGISTER on March 19, 1957, Volume 22, No. 53, Page 1785; correction published in the FEDERAL REGISTER on May 1, 1957, Volume 22, No. 84, Page 3082. The lands are described as follows:

BOISE MERIDIAN

T. 3 N., R. 33 E.,
Secs. 1 to 30 inclusive;
Sec. 31, Part of NW¼.
T. 3 N., R. 34 E.,
Secs. 4 to 9 inclusive;
Secs. 16 to 21 inclusive;
Sec. 30, All;
Sec. 29, W½, W½E½.
T. 4 N., R. 33 E.,
Secs. 1 to 4 inclusive;
Secs. 9 to 16 inclusive;
Secs. 21 to 29 inclusive;
Secs. 33 to 36 inclusive.
T. 4 N., R. 34 E.,
Secs. 1 to 33 inclusive.
T. 5 N., R. 33 E.,
Secs. 1 to 4 inclusive;
Secs. 9 to 16 inclusive;
Secs. 21 to 28 inclusive;
Secs. 33 to 36 inclusive.
T. 5 N., R. 34 E.,
Secs. 1 to 36 inclusive.
T. 6 N., R. 33 E.,
Secs. 13 to 16 inclusive;
Secs. 20 to 29 inclusive;
Secs. 32 to 36 inclusive;
Sec. 4, Part of W½;
Sec. 9, Part of W½, SE¼;
Sec. 10, Part of S½;
Sec. 11, Part of S½;
Sec. 12, Part of S½.
T. 6 N., R. 34 E.,
Sec. 18, Part of;
Sec. 19, All;
Sec. 30, All;
Sec. 31, All;
Sec. 32, All;
Sec. 33, Part of W½.
T. 7 N., R. 32 E.,
Secs. 1 to 3 inclusive;
Secs. 10 to 15 inclusive.
T. 7 N., R. 33 E.,
Sec. 7, All;
Sec. 16, All;
Sec. 17, All;
Sec. 18, All;
Sec. 19, All;
Sec. 20, All;
Sec. 21, All;
Sec. 29, All;
Sec. 6, W½;
Sec. 28, W½, Part of NE¼;
Sec. 33, W½.
T. 8 N., R. 32 E.,
Sec. 13, S½;
Sec. 14, S½;
Sec. 15, S½;
Secs. 22 to 27 inclusive;
Secs. 34 to 36 inclusive.
T. 8 N., R. 33 E.,
Sec. 18, SW¼;
Sec. 19, W½;
Secs. 30 and 31, W½.
T. 7 N., R. 30 E.,
Secs. 1 to 3 inclusive;
Secs. 10 to 15 inclusive;
Secs. 22 to 27 inclusive;
Secs. 34 to 36 inclusive.
T. 7 N., R. 31 E.,
Secs. 1 to 21 inclusive;
Secs. 30 and 31 inclusive.
T. 8 N., R. 30 E.,
Secs. 22 to 27 inclusive;
Secs. 34 to 36 inclusive.
T. 8 N., R. 31 E.,
Sec. 13, S½;
Secs. 19 to 36 inclusive.

The hearing will be open to attendance of opponents to the withdrawal who may state their views and to proponents of the withdrawal who may explain its purpose, intent, and extent; and to all interested persons who desire to be heard on the subject. Those who desire to be heard in person at the hearing and those who desire to submit written statements should file notice thereof not later than July 1, 1957, with the State Supervisor, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-4568; Filed, June 5, 1957; 8:45 a. m.]

[Group 304, Arizona]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY

MAY 27, 1957.

Pursuant to authority delegated by BLM Order No. 541 dated April 21, 1954 (19 F. R. 2473), as amended, Notice is given that the plats of survey accepted January 14, 1957, of T. 27 N., R. 20 W., T. 27 N., R. 21 W., T. 28 N., R. 19 W., T. 28 N., R. 20 W., and T. 28 N., R. 21 W., G. & S. R. Meridian, Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a. m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 27 N., R. 20 W.,
Sec. 3, Lots 1, 2, 3, 4, 5, S½N½, SW¼, N½SE¼, and SW¼SE¼ (All);
Sec. 4, Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 5, Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, and SE¼ (All).
T. 27 N., R. 21 W.,
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½ (All);
Sec. 32, All.
T. 28 N., R. 19 W.,
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼ (All);
Sec. 7, Lots 1, 2, 3, 4, E½W½, E½ (All).
T. 28 N., R. 20 W.,
Sec. 16, All;
Sec. 32, All.

T. 28 N., R. 21 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 16, All.

Within the above-described areas are 7,942.34 acres of public lands.

Available data indicates the lands in Secs. 3, 4, 5 and 6, T. 27 N., R. 20 W., are nearly level, with sandy clay soil; Secs. 31 and 32, T. 27 N., R. 21 W. are composed of mountainous land, with rocky clay soil; Secs. 6 and 7, T. 28 N., R. 19 W. have rolling land, with sand and gravelly clay soil; Secs. 16 and 32, T. 28 N., R. 20 W. are composed of nearly level land, with sandy and gravelly clay soil; Secs. 1, 2 and 16, T. 28 N., R. 21 W. have nearly level land, with sand and gravelly clay soil.

Subject to valid existing rights, the State's title will attach to the following lands upon the acceptance of the plats of survey: S½SE¼, and 4.38 acres in NW¼NE¼, Sec. 32, T. 27 N., R. 21 W., SE¼, Sec. 16, and S½SE¼, Sec. 32, T. 28 N., R. 20 W.

All Secs. 1, 2 and 16, T. 28 N., R. 21 W., were withdrawn temporarily for a National Monument, by Executive Order 5339 of April 25, 1930.

No applications for the remainder of these lands, namely, Lots 1, 2, 3, 4, S½ N½, S½, (All), Sec. 3, Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 4, Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 5, and Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½ SW¼, SE¼, (All), Sec. 6, T. 27 N., R. 20 W., Lots 1, 2, 3, 4, E½W½, E½, (All), Sec. 31, W½, NE¼NE¼, S½NE¼, N½ SE¼, and 35.62 acres in NW¼NE¼, Sec. 32, T. 27 N., R. 21 W., Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, and SE¼, (All), Sec. 6, Lots 1, 2, 3, 4, E½W½, E½, (All), Sec. 7, T. 28 N., R. 19 W., N½, SW¼, Sec. 16 and N½, SW¼, N½SE¼, Sec. 32, T. 28 N., R. 20 W., may be allowed under the homestead, small tract, desert land, or any other non-mineral public land laws, unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified. At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on July 2, 1957 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on Oct. 1, 1957 will be governed by the time of filing.

All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on Oct. 1, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

THOS. F. BRITT,
Manager.

[F. R. Doc. 57-4590; Filed, June 5, 1957; 8:49 a. m.]

[Group 303, Arizona]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY

MAY 27, 1957.

1. Pursuant to authority delegated by BLM Order No. 541, dated April 21, 1954 (19 F. R. 2473), as amended, notice is given that the plats of survey accepted January 15, 1957, of T. 4 N., R. 20 W., T. 5 N., R. 17 W., T. 7 N., R. 12 W., T. 7 N., R. 16 W., T. 8 N., R. 12 W., T. 8 N., R. 15 W., T. 8 N., R. 16 W., T. 9 N., R. 14 W., T. 9 N., R. 15 W., T. 9 N., R. 16 W., and T. 12 N., R. 12 W., G. & S. R. M., Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a. m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 N., R. 20 W.,
Sec. 16, All.
T. 5 N., R. 17 W.,
Sec. 16, Lots 1, 2, 3, 4, 5, 6, W½NW¼, SE¼NE¼, S½ (All);
Sec. 32, All.
T. 7 N., R. 12 W.,
Sec. 16, All.
T. 7 N., R. 16 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½ (All);
T. 8 N., R. 12 W.,
Sec. 32, All.
T. 8 N., R. 15 W.,
Sec. 32, All.
T. 8 N., R. 16 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 32, All.
T. 9 N., R. 14 W.,
Sec. 1, Lots 1, 2, 3, 4, 5, 6, 7, 8, S½N½, N½S½ (All);
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 32, All.
T. 9 N., R. 15 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 3, Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 16, All;
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½ (All);
Sec. 32, All.
T. 9 N., R. 16 W.,
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 16, All;
Sec. 32, All;
Sec. 36, All.
T. 12 N., R. 12 W.,
Sec. 1, Lots 1, 2, 3, 4, S½ (All);
Sec. 2, Lots 1, 2, 3, 4, S½ (All).

Within the above-described areas are 8,245.32 acres of public lands.

2. Except for and subject to valid existing rights, it is presumed that title to the following lands passed to the State of Arizona upon the acceptance of the above-mentioned plats of survey:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 N., R. 20 W.,
Sec. 16, SE¼SE¼.
T. 5 N., R. 17 W.,
Sec. 16, Lots 1, 2, 3, 4, 5, 6, W½NW¼, SE¼NE¼, S½ (All);
Sec. 32, SW¼SW¼.
T. 7 N., R. 12 W.,
Sec. 16, All.
T. 7 N., R. 16 W.,
Sec. 2, SE¼SE¼.
T. 8 N., R. 12 W.,
Sec. 32, All.
T. 8 N., R. 15 W.,
Sec. 32, SW¼SW¼.
T. 8 N., R. 16 W.,
Sec. 2, Lots 1, 2, 3, 4, S½N½, SW¼;
Sec. 32, SW¼SW¼.
T. 9 N., R. 14 W.,
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 32, NW¼, N½SW¼.
T. 9 N., R. 15 W.,
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 16, All;
Sec. 32, All.
T. 9 N., R. 16 W.,
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 16, All;
Sec. 32, All;
Sec. 36, All.

The areas described aggregate 7,768.22 acres.

3. April 7, 1950 the Director stated that the following lands should be restricted to surface use only as they have have been subjected to high explosive missiles: Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 1, Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 2, T. 7 N., R. 16 W., All Sec. 32, T. 8 N., R. 15 W., and Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 1, T. 8 N., R. 16 W.

4. The following-described lands are opened to application, location, selection, and petition as outlined below. No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to oc-

cupancy or disposition until they have been classified:

GILA AND SALT RIVER MERIDIAN

T. 4 N., R. 20 W.,
Sec. 16, N½, SW¼, N½SW¼, SW¼SE¼.
T. 5 N., R. 17 W.,
Sec. 32, N½, N½S½, S½SE¼, SE¼SW¼.
T. 7 N., R. 16 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 2, Lots 1, 2, 3, 4, S½N½, SW¼, N½SE¼, SW¼SE¼.
T. 8 N., R. 15 W.,
Sec. 32, N½, N½S½, S½SE¼, SE¼SW¼.
T. 8 N., R. 16 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 2, SE¼;
Sec. 32, N½, SE¼, N½SW¼, SE¼SW¼.
T. 9 N., R. 14 W.,
Sec. 1, Lots 1, 2, 3, 4, 5, 6, 7, 8, S½N½, N½S½, (All);
Sec. 32, E½, S½SW¼.
T. 9 N., R. 15 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 3, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½, (All).
T. 12 N., R. 12 W.,
Sec. 1, Lots 1, 2, 3, 4, S½, (All).
Sec. 2, Lots 1, 2, 3, 4, S½, (All).

The areas described aggregate 8,245.32 acres.

5. Available data indicates the land in T. 4 N., R. 20 W. is mountainous, and the soil rocky; in T. 5 N., R. 17 W., the land is steep and mountainous, and the soil rocky; T. 7 N., R. 12 W. has mountainous land, with rocky clay soil; T. 7 N., R. 16 W. has hilly and rolling land, with rocky soil; T. 8 N., R. 12 W. has mountainous and broken land with rocky and gravelly soil; T. 8 N., R. 15 W. has rolling, nearly level land, with sandy soil; T. 8 N., R. 16 W. has low rolling sand hills, and sandy soil; T. 9 N., R. 14 W. has rolling land, and the soil is rocky and gravelly, with some rocky clay. In T. 9 N., R. 15 W., Sec. 1 has rolling land, with gravelly soil. The east half of Sec. 2 has rolling land, and the west half is composed of foothills; Sec. 3, has slightly rolling land, with gravelly soil; Sec. 16 has rolling land with gravelly and rocky soil; Sec. 31 is composed of slightly rolling land, with gravelly and sandy soil, and Sec. 32 has rolling land with gravelly and rocky soil. In T. 9 N., R. 16 W., Sec. 2 is composed of gravelly soil, and the land is rolling; Sec. 16 has slightly rolling land with sandy soil; Sec. 32 has rolling land, with sandy soil, and Sec. 36 has some broken land and some slightly rolling, with sandy soil. T. 12 N., R. 12 W. has high and rolling land, with gravel and rocky clay soil.

6. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 4 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on July 2, 1957 will be considered as simultaneously filed at that hour. Rights under such preference rights applications filed after that hour and before 10:00 a. m. on October 1, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on October 1, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

7. Persons claiming veterans' preference rights under paragraph 6 (a) (2), above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

THOS. F. BRITT,
Manager.

[F. R. Doc. 57-4591; Filed, June 5, 1957; 8:49 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Land Management has filed an application, Serial No. Anchorage 034316, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws, but excepting the mineral leasing laws and the Materials Act. The applicant desires the land for public recreation purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

EAGLE RIVER AREA

T. 14 N., R. 2 W., Seward Meridian,
Section 11: Lots 74 and 75.

Containing 4.38 acres.

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 57-4604; Filed, June 5, 1957; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARKANSAS

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following counties in the State of Arkansas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Clay.	Crawford.
Craighead.	Green.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 31st day of May 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-4582; Filed, June 5, 1957; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 231]

MACHLETT LABORATORIES, INC., AND ANDREW J. FOSTER

ORDER REVOKING AND DENYING EXPORT PRIVILEGES

In the matter of Machlett Laboratories, Inc. and Andrew J. Foster, Springdale, Connecticut, Respondents.

The respondents, Machlett Laboratories, Inc. and Andrew J. Foster, having been charged by the Agent in Charge, Investigation Staff, Bureau of Foreign Commerce, Department of Commerce, with violations of the Export Control Act of 1949, as amended, and regulations promulgated thereunder, which charges were concerned with X-ray tubes exported from the United States and thereafter allegedly transshipped to Communist China, without permission from the Department of Commerce; and

The said respondents having been duly served with the Charging Letter; and

The said respondents having appeared herein by service of answer and demand for oral hearing, this case was referred to the Compliance Commissioner, who held a hearing at which the parties attended and proof in support of and in opposition to the charges was received.

The Compliance Commissioner, having heard and considered all the evidence submitted in support of the charges and all the evidence and arguments submitted by respondents in opposition thereto, in connection therewith, and in mitigation thereof, has transmitted to the undersigned Director, Office of Export Supply, Bureau of Foreign Commerce, Department of Commerce, his written report, including findings of fact and findings that violations have occurred, and his recommendation that remedial action, as hereinafter provided, be taken against the respondents, together with which report there have been transmitted also the transcript of testimony at the hearing, all exhibits submitted thereat, the Charging Letter, Answer, and memoranda received from the respondents.

After reviewing and considering the entire record of this case and the Compliance Commissioner's Report and Recommendation, I hereby make the following findings of fact:

1. At all times hereinafter mentioned Machlett Laboratories, Incorporated was and now is engaged in the manufacture of electronic tubes in Springdale, Connecticut, and, in the conduct of its business, it maintained and continues to maintain an export division.

2. At all times hereinafter mentioned Andrew J. Foster was its export manager.

3. Heretofore and prior to April 1956, a firm in Zurich, Switzerland entered into negotiations with respondents for the sale by them to it of electronic tubes and, during the course of said negotiations, informed respondents that it was purchasing said tubes for the purpose of reexporting them to its customer in China.

4. At all times hereinafter mentioned the regulations of the Department of Commerce forbade the exportation of such electronic tubes to China without prior authorization from the Bureau of Foreign Commerce and such regulations required such authorization whether the exportation were made directly from the United States or by way of transshipment or reexportation from any other country.

5. At the same time, electronic tubes such as those involved herein were subject to a general license, GRO, which permitted the exportation thereof to certain countries without specific authorization but such general license excluded expressly any exportation or reexportation to China.

6. The negotiations resulted in the receipt by respondents of three orders for electronic tubes from the firm in Zurich, Switzerland. It was clear from the negotiations and respondents well knew that the intention of the Swiss firm was to transship the tubes purchased by it to China and said firm expressly cautioned respondents to make certain that this country's regulations permitted the transaction.

7. Respondents thereafter, for the purpose of supplying said orders, exported to the Swiss firm, first $5,689.50 worth of tubes, then $304.00 worth of tubes, and finally $1,877.00 worth of tubes.

8. For the purpose of making said exportations, respondents were required to have and did cause to be authenticated shipper's export declarations in which it was certified as "true and correct" that Switzerland was the country of ultimate destination and that the exportations were made under general license GRO.

9. At no time prior to the making of said exportations did the respondents disclose to or inform any officer of the Department of Commerce or of the Bureau of Customs that the said electronic tubes would be or were to be transshipped to China.

10. The said tubes in due course arrived at the Port of Rotterdam and from there were reexported and transshipped to China.

And, from the foregoing, the following are my conclusions:

A. The respondents knowingly exported commodities from the United States under purported authority of general license GRO with the knowledge that such commodities were to be transshipped to China, in violation of §§ 371.8 (a), 371.4 (a), 372.3, and 381.6 of the export control regulations;

B. The respondents knowingly made false statements in and concealed material facts in connection with the execution of shipper's export declarations in violation of §§ 371.2 (b) and 381.5 of the export control regulations.

In his report, the Compliance Commissioner said:

> In mitigation, as well as in anticipation, of the remedial action which might be taken in this proceeding, there has been offered on the part of the corporate respondent evidence of complete co-operation, full disclosure, good repute, possible layoffs of highly and uniquely skilled employees, non-strategic goods, hardship to innocent parties in foreign countries, valued service in defense programs, revised internal procedures, etc. These are all factors which are normally allowed to and do influence the determination of what remedial action should be taken in a given case. This influence tends to lessen as the export control program becomes older. I am more impressed by one of the factors mentioned than by all the others. Without in any way belittling their importance, I am very much concerned with the potential harm which might come to users of X-ray equipment in foreign countries who are dependent upon tubes manufactured by Machlett for use in such equipment. The testimony is that X-ray tubes have short life both in use and upon shelf. If that is the case, any extended curtailment of Machlett's export privileges might result in an inability to replace worn-out or damaged tubes in one or more pieces of equipment in one or more hospitals or medical offices abroad. This might result in unnecessary loss of life to persons not even remotely connected with the conduct involved herein. Because of this, I have sought and received independent expert opinion on the subject. This was done in accordance with the rule of Williams v. The State of New York, 337 U. S. 241, 69 S. Ct. Rep. 1079. I informed counsel for Machlett of my intention to obtain such independent opinion and gave him an opportunity to submit additional data on the subject. In the last analysis however, independent opinion does not control my disposition of the case because the responsibility for that is mine and mine alone at this level. I have considered all the data received, and have concluded that, although there is merit to the argument, the unique situation does not render Machlett immune from all remedial action. Even in Machlett's normal operation there is never and cannot be an instantaneous replacement of a defective, dead or worn-out tube with a new one at that moment manufactured by Machlett. There must be some time lag, communication and transportation plus even manufacture, if shelf age is such a vital problem.
>
> Machlett was fully responsible for what Foster did on its behalf but, because of all the considerations above recited, the recommended immediately effective remedial action against it will be less severe than that against Foster but even this lesser action must be so framed as to make sure there will be no recurrence and to make clear to all employers everywhere that they must assume responsibility for the conduct of employees to whom they entrust their business activities. It is my recommendation that Machlett be denied export privileges for a period of one year but that only two months be immediately effective, conditioned upon complete compliance with all export control laws and regulations during a period of one year from the date of the order, all as more particularly set forth in the proposed order to be submitted herewith. * * *
>
> Not all the considerations which have prompted me to recommend the more lenient action with respect to Machlett prevail as to Foster. My estimate and appraisal of him and his conduct are clear from what I have said above. However, one thing is certain. He is acutely conscious that what he did here was wrong and so corrective action will be subordinated to the deterrent and educational purposes of this proceeding. It is my recommendation that he be denied export privileges for a period of one year from the date of the order to be entered herein but that only five months be effective upon the same condition as for Machlett.

Now, after careful consideration of the entire record and being of the opinion that the recommendations of the Compliance Commissioner are fair and just and that this order is necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which Machlett Laboratories, Inc. and Andrew J. Foster, the respondents, appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. For the period specified in paragraph IV hereof, the said respondents are hereby suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, or in a transshipment or reexportation outside of the United States of any commodity in whole or in part exported from the United States. Without limitation of the generality of the foregoing denial of export privileges, such participation is deemed to include and prohibit participation by them, directly or indirectly, in any manner or capacity, (a) as a party or

as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the said respondents, but also to any person, firm, corporation, or business organization which may be related now or hereafter to either of them by ownership, control, or position of responsibility in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. Such denial of export privileges shall be for a period of one year, of which (a) as to Machlett Laboratories, Inc., the first two months shall be and become effective forthwith and the remaining ten months shall be suspended during a period of good behavior to continue until the expiration of twelve months from the date hereof; and (b) as to Foster, the first five months shall be and become effective forthwith and the remaining seven months shall be suspended during a period of good behavior to continue until the expiration of twelve months from the date hereof. During the said remaining period of ten months, as to Machlett Laboratories, Inc., all export privileges otherwise denied to it shall be restored to it, without further action, upon condition that, during said period of good behavior, it complies in all respects with this order and with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder. During the said remaining period of seven months, as to Andrew J. Foster, all export privileges otherwise denied to him shall be restored to him, without further action, upon condition that, during said period of good behavior, he complies in all respects with this order and with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder. The privileges so conditionally restored to either of the respondents may be revoked summarily and without notice as to it or him, but subject to the right to appeal therefrom, upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that such respondent, at any time within twelve months following the date hereof, has knowingly failed to comply with the condition upon which it or he has been permitted to engage in the export business during the last ten or seven months of said period of good behavior (as the case may be) without prejudice to any other action which may be taken by reason of any such new or additional violation. In the event that it be so determined that either of the respondents has breached the said condition, the continued effective denial of its or his export privileges shall commence on the day of such determination and shall continue thereafter (a) as to Machlett Laboratories, Inc., for ten full months or twelve months from the date hereof, whichever shall be the later; or, (b) as to Andrew J. Foster, for seven full months or twelve months from the date hereof, whichever shall be the later.

V. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, during any time when the respondents and related parties are prohibited under the terms hereof from engaging in any activity within the scope of paragraph II hereof, shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States or a transshipment or reexportation of any commodity exported from the United States, in which the respondents or any related party may have any interest or obtain any benefit of any kind or nature, directly or indirectly.

Dated: June 3, 1957.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 57-4593; Filed, June 5, 1957; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

PLUTONIUM

GUARANTEED FAIR PRICES

1. The prices contained in this schedule are "guaranteed fair prices" determined in accordance with the provisions of section 56 of the Atomic Energy Act of 1954 for plutonium lawfully produced under license from the Atomic Energy Commission, and delivered to the Commission at the designated receiving point within the time specified below.

2. Guaranteed fair prices previously established by the Commission for plutonium delivered to the Commission after January 31, 1957, are superseded by the prices established in this schedule.

3. It is emphasized that, while the Commission intends to extend the guarantee period for plutonium prices each year for one additional year, the prices which will be established for subsequent years may be different from those previously in effect. In particular, it is the expectation of the Commission that the prices for plutonium will be reduced, as dictated by consideration of the value of the material for its intended use by the United States and giving such weight to the actual cost of producing the material as the Commission finds to be equitable, to a level based upon the fuel value of plutonium in commercial power reactor facilities.

4. Chemical specification: Total plutonium content to be not less than 99.5% by weight.

5. Physical specification: The content of beta and gamma emitting isotopes other than plutonium will be measured indirectly in terms of the radiation level. The average radiation level of a shipment of buttons shall not exceed ⅓ mr/hr/gram. The radiation level of any one button, enclosed within a plastic envelope shall not exceed ½ mr/hr/gram. These measurements are to be made with an air ionization type gamma survey meter with window closed, at a distance of two inches from the button "top."

6. Form: Solid metal buttons, free of slag, reductant, and mold fragments. Buttons to weigh not less than 200 grams each nor more than 2,000 grams each.

7. Packaging: The plutonium metal is to be packaged in suitable containers and shipped in accordance with Government regulations.

AEC will either return reuseable containers to common carrier at the designated receiving point or will make proper adjustment for the value of the containers.

8. Prices paid will be as follows:

(a) For plutonium delivered to U. S. Atomic Energy Commission at designated receiving point during the period beginning February 1, 1957 and ending midnight June 30, 1962:

% Pu-240:	*Price $/gr of plutonium*
0.0	45.00
2.0	41.50
4.0	38.00
6.0	34.50
8.0	31.00
8.6 and over	30.00

(b) For plutonium delivered to U. S. Atomic Energy Commission, at the designated receiving point during the period beginning July 1, 1962 and ending midnight June 30, 1963: $30 per gram of plutonium.

9. The designated receiving point is U. S. Atomic Energy Commision, Rocky Flats Plant, Rocky Flats, Colorado (a suburb of Denver, Colorado).

10. Fair prices paid by AEC for special nuclear materials which meet the specifications set forth above and are delivered to designated receiving points prior to midnight June 30, 1963, may not be reduced by the Commission except as provided in this paragraph. The prices are, however, subject to upward or downward adjustment semiannually when substantial changes have occurred in the "Wholesale Price Index, excluding Farm Products and Processed Foods," published by the Bureau of Labor Statistics. The July 1955 index of 116.5 (1947–1949=100) is used as the initial base. If the October index of any year is greater or less than the base index by five percent or more, the prices may be adjusted the following January 1. Similarly, if the April index of any year is greater or less than the base index by five percent or more, the prices may be adjusted the following July 1. Prices may be adjusted by the percentage change which has occurred in the index, the adjusted prices being computed to the nearest cent. Following such an adjustment, the index used in computing the adjustment will become the new base.

11. Interested persons may contact:

U. S. Atomic Energy Commission, Division of Civilian Application, 1901 Constitution Avenue, Washington 25, D. C.

Dated at Washington, D. C., this 31st day of May 1957.

For the Atomic Energy Commission.

R. W. COOK,
Deputy General Manager.

[F. R. Doc. 57-4603; Filed, June 5, 1957; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12013; FCC 57M-521]

MOE BERGER

NOTICE OF PRE-HEARING CONFERENCE

In the matter of Moe Berger, 136 St. George Street, St. Augustine, Florida, Docket No. 12013, File No. P2-2-4618; suspension of radiotelephone second-class operator license.

A pre-hearing conference in the above-entitled proceeding will be held on Monday, June 3, 1957, beginning at 10:30 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 29th day of May 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-4602; Filed, June 5, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-11677, G-11684]

NATURAL GAS STORAGE COMPANY OF ILLINOIS AND TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 31, 1957.

In the matters of Natural Gas Storage Company of Illinois, Docket No. G-11677; Texas Illinois Natural Gas Pipeline Company, Docket No. G-11684.

Take notice that Natural Gas Storage Company of Illinois (Storage Company), an Illinois corporation, and Texas Illinois Natural Gas Pipeline Company (Texas Illinois), a Delaware corporation, with their principal places of business in Chicago, Illinois, filed separate applications on December 28, 1956, for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the acquisition of certain underground storage rights and the construction and operation of natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

Storage Company, in its application in Docket No. G-11677, seeks authorization for the acquisition of certain underground storage rights and the construction and operation of pipeline and compressor facilities for the development of an underground natural gas storage project in the Cook's Mills Field in Coles and Douglas Counties, Illinois.

The proposed facilities of Storage Company, together with their estimated costs, are summarized in the following:

1. 14.75 miles of 20-inch line, Cook's Mills Field to Texas Illinois' 30-inch line	$920,000
2. 3.59 miles 8- to 16-inch field system	372,000
3. 1650 horsepower compressor station and dehydration plant	885,000
4. Miscellaneous; rework, plug and abandon wells, meter station	379,000
5. Exploratory costs, to date	300,000
6. Gas in place, in proposed storage reservoirs (1,940,865 Mcf (1000 Btu at 19.57¢))	379,000
7. Other expenses (contingencies and administrative)	476,000
	3,729,000
Less amount already spent	300,000
Less amount received from Texas Illinois' 923,279 Mcf (1000 Btu at 19.75¢)	180,686
Amount to be financed	3,248,314

The proposed storage project will be used and operated integrally with the Herscher Storage operation to supply a total of 430,000 Mcf per day on peak days. The Cook's Mills project will supply 25,000 Mcf daily for 36 days, thereby extending the authorized peak day deliveries of 430,000 Mcf from Herscher over a greater number of days. The Cook's Mills operation will supplement the Herscher operation without increasing the total peak day withdrawal, so that on any day gas is withdrawn from Cook's Mills—the withdrawal from Herscher will be reduced by a like amount. The necessity of the Cook's Mills storage accrues, therefore, from the extension of the period during which its integrated operation with Herscher provides a deliverable volume of 430,000 Mcf per day. The tap connection proposed by Texas Illinois is necessary to make the storage gas available to its customers.

Storage Company states that it has obtained underground storage rights under more than 6,000 acres in the Cook's Mills area. The storage rights include two nonassociated gas reservoirs, referred to as the Cypress and Rosiclare formations, which contain gas in its natural state. Storage Company has purchased all of this gas now in place, a portion of which will be sold to Texas Illinois immediately prior to commencement of storage operations.

The gas storage capacity of the Cook's Mills reservoirs are estimated at 1,895,376 Mcf (14.65); 901,640 Mcf will be used as top storage gas and 993,736 Mcf will remain in storage as cushion gas. Of the total original gas in place (1,895,376 Mcf), 375,619 Mcf was in the Rosiclare at 794# and 1,519,757 Mcf in the Cypress at 753# original pressure. A negligible amount has been produced, namely, 251,102 Mcf from both formations.

Texas Illinois, in its application in Docket No. G-11684, seeks authority to construct and operate a side tap connection at which it would receive gas from Storage Company's proposed 20-inch line, extending west 15 miles from the Cook's Mills area, to Texas Illinois' 30-inch main transmission at a point in Moultrie County, Illinois.

The interconnection is alleged to be required for the proper and efficient operation of Storage Company. The total estimated cost of the interconnection is $15,000.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 11, 1957 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 21, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-4569; Filed, June 5, 1957; 8:45 a. m.]

[Docket No. G-12429]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 31, 1957.

Take notice that New York State Natural Gas Company (Applicant), a New York corporation with its principal place of business in Pittsburgh, Pennsylvania, filed an application on April 16, 1957, for permission and approval, pursuant to section 7 (b) of the Natural Gas Act, to abandon certain facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on

file with the Commission and open to public inspection.

Applicant seeks to abandon its 1,980 horsepower Therm City Compressor Station located in Onondaga County, New York, and about 12 miles south of Syracuse, New York.

The application states that the Therm City Compressor Station was authorized in Docket No. G–1402 and has been in operation since November 30, 1950, compressing gas for transportation through Applicant's line extending west to Auburn, New York, where gas is delivered to New York State Electric and Gas Corporation. The station was designed to move a maximum volume of 50,000 Mcf per day through the 10-inch line from Therm City to Auburn.

It is further stated that Applicant has made extensive changes and additions to its main transmission system subsequent to the installation of Therm City Compressor Station. These changes have augmented the ability of Applicant to make increased deliveries throughout its system, including the required deliveries at Auburn, without the further need or use of Therm City Compressor Station. The total effect of the various changes which have been authorized and made to date has been to enable Applicant to deliver 69,000 Mcf per day at the Auburn delivery point. When Applicant's 1957 and 1958 construction programs, as outlined in Docket Nos. G–9138 and G–11779, are completed,[1] the delivery capacity at Auburn will be increased to 101,600 Mcf per day.

The existing 1,980 horsepower gas engines and compressors at Therm City, after abandonment, are to be removed and installed at Applicant's existing Ithaca Compressor Station.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 10, 1957 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 21, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–4570; Filed, June 5, 1957; 8:46 a. m.]

[1] Temporary authorizations have been issued in these dockets.

CIVIL SERVICE COMMISSION

CERTAIN ACTUARY POSITIONS IN WASHINGTON, D. C., METROPOLITAN AREA

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949 as amended (63 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for positions in the Actuary Series GS–1510–0 at grades GS–5, GS–7 and GS–9. The new rate for GS–5 has been set at $4480 (the top step of the grade), for GS–7 at $5335 (the top step of the grade) and for GS–9 at $6115 (the sixth step of the grade). These increases will be effective on the first day of the first pay period which begins after May 27, 1957, and apply to these positions in the Washington, D. C., Metropolitan area.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57–4583; Filed, June 5, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK, BUSINESS AND FUNCTIONS

MAY 29, 1957.

The organization of divisions and boards and assignment of work, business and functions of the Interstate Commerce Commission, pursuant to section 17 of the Interstate Commerce Act as amended (49 U. S. C. 17), effective March 25, 1957, is set forth below.

[SEAL] HAROLD D. MCCOY,
Secretary.

(References are to the Interstate Commerce Act, as amended, unless otherwise specified.)

Chairman—Owen Clarke (Jan. 1, 1957–Dec. 31, 1957).

1.1 The following organization schedule and assignment of work and functions shall be effective until duly changed:

DIVISIONS OF THE COMMISSION

2.1 There shall be four divisions of the Commission to be known, respectively, as divisions one, two, three and four.

2.2 As provided by section 17 of the Interstate Commerce Act, as amended, each division shall have authority to hear and determine, order, certify, or report or otherwise act as to any work, business, or functions assigned or referred to it under the provisions of that section, and with respect thereto shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations.

2.3 Each division with regard to any case or matter assigned to it, or any question brought to it under this delegation of duty and authority, may call upon the whole Commission for advice and counsel, or for consideration of any case or question by an additional Commissioner or Commissioners assigned thereto; and the Commission may recall and bring before it as such any case, matter or question so allotted or assigned and may either dispose of such case, matter, or question itself, or may assign or refer the matter to the same or another division.

2.4 From such assignment of work there shall be reserved for consideration and disposition by the Commission (1) all investigations on the Commission's own motion heretofore entered upon and hereafter instituted, except as may be otherwise provided, and (2) all applications for rehearing, reargument or other reconsideration and all cases before the Commission for reconsideration, except as hereinafter otherwise provided; and there shall also be excepted from this assignment of work all cases submitted to the Commission and specially referred to a division, the various cases enumerated in any previous order of the Commission as reserved for consideration and disposition by the Commission, and all cases otherwise specially assigned.

2.5 All proceedings of the character in which, by provisions of the Administrative Procedure Act (60 Stat. 237), a hearing is required to be conducted in conformity with section 7, and a decision to be made as provided in section 8 of that act, shall be and are reserved to the Commission for initial decision, and for such purpose of initial decision may be assigned to a division, individual Commissioner, or board, as provided in section 17 of the Interstate Commerce Act (49 U. S. C. 17), by the general order of the Commission as to assignment of work, business, or functions. The following are excepted from the foregoing reservation: (a) proceedings required by section 205 of the Interstate Commerce Act (49 U. S. C. 305) to be submitted to joint boards; and (b) specific cases, or classes of cases, as to which the Commission may order exemption from the operation of this general rule. For the purpose of such initial decision, the record in a proceeding so reserved shall be considered as certified to the Commission for initial decision when received by the Secretary of the Commission for filing in the docket. Such certification shall not be construed as relieving the officer from the necessity of submitting such recommended, tentative, or other type of report (consistent with the requirements of the Administrative Procedure Act) as the Commission shall previously have directed him to prepare in the proceeding. In individual proceedings involving rule-making as de-

fined in section 2 (c) of the Administrative Procedure Act, and in determining applications for initial licenses, the Commission, or the division, individual Commissioner, or board, or examiner, to which or whom a particular proceeding may have been assigned under section 17 of the Interstate Commerce Act (49 U. S. C. 17), will, as warranted by the second sentence of sec. 2 (a) of the Administrative Procedure Act (60 Stat. 237), determine (c) whether there shall be a tentative decision by the Commission, or by a division, individual Commissioner, or board, or examiner, to whom the proceeding may be referred or assigned, or (d) whether there shall be a recommended decision by designated responsible officers of the Commission; and (e) in any case the Commission, or the division, Commissioner, or board, may find upon the record that due and timely execution of the functions of the Commission imperatively and unavoidably requires that a tentative or recommended decision be omitted in that case.

2.6 When a Commissioner is transferred from a division he shall continue to serve as a member of such division in lieu of his successor for the purpose of clearing up accumulated work, which shall be limited to the disposition of cases submitted on oral argument prior thereto, and still pending for decision, cases in which drafts of final reports or orders have been circulated, and other matters requiring official action which are under active consideration at the time of the transfer.

DUTIES AND RESPONSIBILITIES OF THE CHAIRMAN OF THE COMMISSION

3.1 The following duties and responsibilities are delegated to the Chairman (or, in his absence, to the Acting Chairman who shall be the available senior Commissioner in point of service) to be exercised in addition to his statutory duties and any other duties that may be assigned or delegated to him:

3.2 He shall be the executive head of the Commission.

3.3 He shall preside at all sessions of the Commission, and shall see that every vote and official act of the Commission required by law to be recorded is accurately and promptly recorded by the Secretary or the person designated by the Commission for such purpose.

3.4 Except regular sessions, which shall be provided for by general regulation of the Commission, he shall call the Commission into special session whenever in his opinion any matter or business of the Commission so requires, but he shall, in any event, call a special session for the consideration of any matter or business upon request of a majority of the members.

3.5 He shall exercise general control over the Commission's argument calendar and conference agenda.

3.6 Except in instances where the duty is otherwise delegated or provided for, he shall act as correspondent and spokesman for the Commission in all matters where an official expression of the Commission is required.

3.7 He shall (a) bring to the attention of any Commissioner, division, or board any delay or failure in the work under his or its supervision, and (b) recommend to the Commission ways and means of correcting or preventing avoidable delays in the performance of any work or the disposition of any official matter which he is unable otherwise to have remedied.

3.8 He shall be ex officio Chairman of the Committee on Legislation and of the Committee on Rules.

3.9 He shall be relieved, during his chairmanship, of any regular assignment as a member of a division.

3.10 In any case in which it appears desirable, he may designate an additional Commissioner or Commissioners to sit with a division.

3.11 He may designate a Commissioner to fill a vacancy on any Committee until the Commission otherwise orders.

3.12 Pursuant to the general objectives and broad policies, or to specific instructions of the Commission, he shall represent the Commission in supervising, guiding and directing the Managing Director, the Secretary and the General Counsel in the performance of their duties and shall serve as the channel through which they submit recommendations to the Commission.

3.13 In accordance with section 1003 (a) of the Civil Aeronautics Act of 1938, he is directed, when the occasion arises, in conjunction with corresponding action by the Chairman of the Civil Aeronautics Board, to designate a like member of Commissioners to function as members of a joint board to consider and pass upon matters referred to it as provided under subsection (c) of such section.

3.14 He shall be the Commission's representative on the United States National Commission for the Pan American Railway Congress Association.

ASSIGNMENT OF DUTIES TO DIVISIONS

4.1 Work, business, and functions of the Commission are assigned and referred to the respective divisions for action thereon (including, for each division to which the subject matter or the principal part thereof is assigned, authority to approve recommendations of the Commission's staff for the enforcement of penal provisions of the Interstate Commerce Act, and statutory provisions supplementary thereto), as follows:

4.2 Division One: Operating Rights Division (Commissioners Hutchinson (Chairman), Walrath, and McPherson):

(a) Section 203 (b), relating to partial exemption from the provisions of Part II, including determinations as to the necessity for application of Part II to transportation within a municipality, between contiguous municipalities, or within an adjacent zone, and the determination of the limits of such zones, referred to in section 203 (b) (8) and to casual transportation operations by motor vehicle, referred to in section 203 (b) (9).

(b) Section 204 (a) (1) to (3), inclusive, so far as relates to reasonable requirements with respect to continuous and adequate service and transportation of baggage and express by common carriers, and to qualifications and maximum hours of service of employees and safety of operation and equipment for common, contract, and private carriers, but not including requirements for the same transportation of explosives and other dangerous articles.

(c) Section 204 (a) (4) and section 211 (a) to (c), inclusive, relating to the regulation of brokers (other than their accounts, records, and reports).

(d) Section 204 (a) (4a), relating to certificates of exemption to motor carriers operating solely within a single State.

(e) Section 204 (a) (7), so far as relates to inquiries into the management of the business of motor carriers and brokers and persons controlling, controlled by, or under common control with motor carriers, and requests for information deemed necessary to carry out the provisions of Part II.

(f) Section 204 (b), relating to the establishment of classifications of brokers or of groups of carriers and just and reasonable rules, regulations and requirements therefor.

(g) Sections 206, 207, and 208, relating to certificates of public convenience and necessity.

(h) Section 209, relating to permits.

(i) Section 210, relating to dual operations.

(j) Section 210a (a) relating to applications for temporary authority for service by common or contract carriers by motor vehicle when certified to the Division by the Motor Carrier Board.

(k) Section 211, relating to brokerage licenses.

(l) Section 212 (a), relating to suspension, change, and revocation of certificates, permits, and licenses, except determination of uncontested motor carrier revocation proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(m) Section 302 (e) and section 303 (b) to (h), inclusive, relating to exemptions of water carriers from the provisions of Part III.

(n) Section 304 (c) relating to classifications of groups of water carriers subject to Part III and rules, regulations, and requirements relating thereto.

(o) Sections 303 (l), 309, and 310 relating to certificates of convenience and necessity and permits; section 311 (a) relating to temporary authorities; section 410 (a) to (f), inclusive, section 410 (h) and (i) relating to permits.

(p) Section 215, relating to security for the protection of the public.

(q) Section 224, relating to identification of motor carriers.

(r) Section 403 (c) and (d), relating to authority to prescribe reasonable rules and regulations governing the filing of surety bonds, policies of insurance, etc., by freight forwarders.

(s) Sections 204 (c), 304 (e) and 403 (f), so far as relating to investigation of complaints of alleged noncompliance with the provisions of Parts II, III and IV assigned to Division One or requirements established pursuant thereto.

(t) Any other matters arising under Parts II, III, and IV not specially assigned or referred to other divisions.

(u) Authority to act initially on applications for approval of contract carrier rental contracts under section 207.6 (b) of Ex Parte No. MC 43, including authority to act on the rental contracts on file on January 31, 1957 and those filed prior to the availability of an appropriate application form without requiring such applicants first to complete that form, but that any approval shall be temporary or tentative and subject to subsequent confirmation; and if the division disapproves an application which involves rental arrangements already in operation by the carriers and shippers, the division is authorized to issue an order of disapproval which does not require an actual termination of the rental arrangements until the Commission has acted on any timely and appropriately filed petition for reconsideration of the division's action.

(v) In connection with the foregoing assignments Division One is authorized to institute, conduct, and determine investigations into motor carrier, water carrier, and freight forwarder practices pertaining to matters covered by such assignments.

4.3 Division Two—Rates, Tariffs, and Valuation Division (Commissioners Freas (Chairman), Winchell, and Murphy):

(a) Section 4, relating to long-and-short-haul and aggregate-of-intermediate rates, and relief therefrom, when such proceedings have been formally heard, when applications are certified to the Division by the Fourth Section Board, when fourth-section relief arises as a result of an order or requirements of the Commission, or a division thereof, or when applications are to be considered in connection with general rate-increase proceedings.

(b) Section 5a, relating to agreements between or among carriers.

(c) Section 6, except paragraphs (11) and (12), relating to schedules of carriers under Part I, sections 217 and 218 relating to tariffs of common carriers and schedules of contract carriers under Part II, section 306 relating to tariffs of common carriers and schedules of contract carriers under Part III, and section 405 relating to tariffs of freight forwarders under Part IV—including, among other matters, the promulgation or prescription of forms, specifications, rules, or regulations to effectuate such provisions of law, as well as applications or petitions involving the construction, interpretation or application of such forms, specifications, rules, or regulations.

(d) Section 409 relating to contracts between freight forwarders and motor carriers, including authority to institute, conduct, and determine investigations pertaining thereto.

(e) Section 15 (7) of Part I, sections 216 (g) and 218 (c) of Part II, sections 307 (g) and (i) of Part III, and 406 (e) of Part IV, relating to the disposition of applications for suspension of schedules and tariffs or parts thereof, including authority to institute investigations into rates, fares, charges, and practices of carriers under Parts I, II, and III, and freight forwarders under Part IV, as ancillary to a proceeding of investigation and suspension when such matter is certified to the Division by the Suspension Board, when there are petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or of wider scope, or when there are involved petitions for suspension of schedules filed in purported compliance with any decision, order, or requirement of the Commission or a Division thereof; and including authority to vacate or discontinue orders in proceedings instituted by Division 2 wherein respondents have withdrawn the matter under suspension, except in those instances where authority has been delegated to the Board of Suspension.

(f) Section 6 (11) (b) and (12) of the Interstate Commerce Act and section 11 (d) of the Panama Canal Act, 49 U. S. C. 51, relating to the establishment, under the additional authority conferred upon the Commission by the Panama Canal Act of proportional rates to or from ports, and through rail-and-water arrangements in foreign commerce.

(g) Institution of investigations of intrastate rates, fares, and charges, classifications and practices under section 13 (3) of Part I and section 406 (f) of Part IV on the petition of carriers or freight forwarders.

(h) Section 19a, relating to the valuation of the property of carriers.

(i) Section 20 (11) of Part I and section 219 of Part II, so far as relating to the authorization of released rates and ratings.

(j) Sections 3 (2), 223, 318, and 414, so far as relating to the prescription of rules governing the delivery of freight and the settlement of rates and charges, and to prevent unjust discrimination.

(k) Section 22 so far as relating to reduced rates in case of calamitous visitation or disaster.

(l) Section 220 (a) relating to contracts between motor contract carriers and shippers.

(m) Section 304 (d) of Part III, relating to relief from the provisions of that part because of competition from carriers engaged in foreign commerce.

(n) Section 204 (c), section 304 (e), and section 403 (f), so far as relating to the investigation of complaints of alleged noncompliance with provisions of Parts II, III, and IV hereinbefore assigned to Division Two or requirements established pursuant thereto.

(o) Section 20 (1) to (10), inclusive; section 204 (a) (1), (2), and (4); section 220 (a) to (f), inclusive; section 222 (b), (d), and (g); sections 313, 316 (b), 317 (d), and (e); and sections 412, 417 (b), and 421 (d) and (e), so far as those sections relate to accounting and statistical reports, records, and accounts of carriers, lessors, brokers, freight forwarders and other persons under Parts I, II, III, and IV, and so far as matters arising under the stated sections are not assigned to individual commissioners.

(p) Formal complaints and suspension cases in which the issues relate primarily and predominantly to the interpretation and application of tariffs.

4.4 Division Three: Rates, Safety and Service Division (Commissioners Tuggle (Chairman), Murphy, and Minor):

(a) Section 1 (9), relating to switch connections.

(b) Section 1 (14) (b), relating to contracts of common carriers by railroad or express companies for the furnishing of protective service against heat or cold.

(c) Section 1 (10) to (14) (a), inclusive, and section 1 (15) to (17), inclusive, relating to car-service and emergency directions with respect thereto.

(d) Section 5 (1), relating to the pooling of traffic, service, or gross or net earnings of common carriers subject to the act.

(e) Section 3 (5), relating to requirement of common use of terminals and compensation therefor.

(f) Section 6 (11) (a) of the Interstate Commerce Act, and section 11 (d) of the Panama Canal Act, relating to the additional jurisdiction over rail and water traffic conferred upon the Commission by the Panama Canal Act, 49 U. S. C. 51, with respect to physical connections between rail lines and docks; and section 201 (c), Transportation Act, 1920, as amended, 49 U. S. C. 141 (c).

(g) Section 15 (10), relating to the direction of the routing of unrouted traffic.

(h) Sections 15 (13), 225, 314, and 415, relating to fixation of reasonable allowances to the owner of property transported for transportation services rendered, and I. & S. No. 11, The Tap Line Case.

(i) Section 25 (a) to (g), inclusive, as amended, relating to the installment and maintenance of safety devices by carriers by railroad.

(j) Section 1 (21) so far as relating to the compulsory construction of new roads or procurements of additional facilities.

(k) Section 204 (a), (1), (2), (3), and (5) of Part II, so far as relating to the establishment of reasonable requirements for the safe transportation of explosives and other dangerous articles, including flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances.

(l) Section 403 (b), relating to establishment of reasonable requirements with respect to continuous and adequate service by freight forwarders.

(m) Section 404 (d), relating to agreements between freight forwarders for joint loading of traffic.

(n) Section 204 (c) and section 403 (f), so far as relating to the investigation of complaints of alleged noncompliance with provisions of Parts II and IV, hereinbefore assigned to Division Three, or requirements established pursuant thereto.

(o) Matters coming from the Board of Reference, relating to instructions concerning the informal consideration of unusual matters and cases for which there is no governing precedent.

(p) Matters coming from the Section of Informal Cases of the Bureau of Rates, Tariffs and Informal Cases.

(q) Matters arising under the Transportation of Explosives and Dangerous Articles Act, Accident Reports Act, Safety Appliance Act, Hours of Service Act, Locomotive Inspection Act, Medals of

Honor Act, Ash Pan Act, Railroad Retirement Act of 1937, Railroad Retirement Tax Act, Railroad Unemployment Insurance Act, the Railway Labor Act, as respectively amended; the Block Signal Resolution of June 30, 1906, and Sundry Civil Appropriation Act of May 27, 1908; Postal Service Acts, 39 U. S. C. 6, 12, 13, 14 and 15, so far as those acts relate to duties of the Commission.

(r) Authority to approve recommendations of the Commission's staff for the enforcement of penal provisions of the Interstate Commerce Act, and statutory provisions supplementary thereto if the subject matter is otherwise unassigned.

(s) Standard Time Act of March 19, 1918, as amended, 15 U. S. C. 261–265, inclusive.

4.5 Divisions Two and Three, except in special circumstances, alternately, in monthly rotation, commencing with Division Three in January, 1954:

(a) All formal cases not otherwise herein assigned or referred to another division, or reserved to the Commission, arising under Part I, and all formal cases involving rates, fares, or charges arising under Parts II, III, and IV.

4.6 Division Four: Finance Division (Commissioners Mitchell (Chairman), Arpaia, and Winchell):

(a) Section 1 (18) to (20), inclusive, relating to certificates of public convenience and necessity, and section 311 (b) relating to temporary operating authorities.

(b) Section 5 (2) to (13), inclusive, and section 210a (b) relating to the consolidation, merger, purchase, lease, operating contracts, and acquisition of control of carriers, and to non-carrier control, including matters of public convenience and necessity under section 207 and consistency with the public interest under section 209 directly related thereto.

(c) Section 5 (14) to (16), inclusive, relating to common control of railroads and common carriers by water.

(d) Sections 20a and 214 relating to the issuance and approval of securities of carriers and to the holding of interlocking positions as director or officer.

(e) Section 20b relating to voluntary adjustments of capital structures under Part I.

(f) Section 212 (b), relating to transfer of certificates or permits, except determination of applications which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(g) Section 312, relating to transfer of operating rights.

(h) Section 410 (g) relating to transfer of permits.

(i) Section 411 (d) and (f), relating to investigation of alleged violations of section 411 (a), (b), and (c).

(j) Sections 204 (c), 304 (e), and 403 (f), so far as relating to the investigation of complaints of alleged noncompliance with provisions of Parts II, III, and IV, hereinbefore assigned to Division Four or requirements established pursuant thereto.

(k) The Uniform Bankruptcy Act, as amended, 11 U. S. C. relating to the reorganization of corporations subject to the exercise of the regulatory powers of the Commission.

(l) Section 3 of Public Law No. 478 relating to review by the Commission prior to confirmation by the courts of plans of reorganization previously approved by the Commission.

(m) Matters arising under section 20c, providing for the recording of equipment trust agreements and other documents relating to lease or conditional sale of railroad equipment.

(n) Matters arising under the Clayton Antitrust Act, as amended.

COMMITTEES OF THE COMMISSION

5.1 There shall be a Committee on Legislation and a Committee on Rules composed of three Commissioners each.

5.2 Commission Committees and Commissioners:

(a) Legislation: Clarke (Chairman), Commissioners Arpaia and Minor.

(b) Rules: Clarke (Chairman), Commissioners Winchell and Hutchinson.

ASSIGNMENT OF DUTIES TO INDIVIDUAL COMMISSIONERS

6.1 The following portions of the work, business, and functions of the Commission are assigned and referred to individual Commissioners as herein designated:

6.2 (a) Entry of reparation orders responsive to findings authorizing the filing of statements as provided in Rule 100 of the general rules of practice: Chairman of the Commission.

(b) Claims arising under Federal Tort Claim Act, 28 U. S. C. 2671 et seq., except claims covered by section 2672 of that act.

(c) Approval for publication of statistical releases.

6.3 Dismissal of complaints upon requests of complainants: If the proceeding has been assigned to a Commissioner the Commissioner to whom it is assigned; otherwise, to the Chairman of the Commission.

6.4 Postponement of the effective date of orders in proceedings which are the subject of suits brought in a court to enjoin, suspend, or set aside the decision, order, or requirement therein: Commissioner through whom the General Counsel reports (Chairman ex officio).

6.5 (a) With respect to carriers and others subject to Part II, (a) authority to grant extensions of time for filing annual, periodical, and special reports, and (b) authority to grant exemptions to individual carriers from the reporting requirements: Commissioner through whom the Bureau of Accounts, Cost Finding and Valuation reports (Commissioner Arpaia).

(b) Authority to permit the use of prescribed accounts for carriers and other persons under Parts I, II, III, and IV, which by provisions of their own texts require special authority.

(c) Authority to permit departures from general rules prescribing uniform systems of accounts for carriers and other persons under Parts I, II, III, and IV.

(d) Authority to prescribe by order, rates of depreciation to be used by individual carriers by railroad, water, and pipeline.

(e) Authority to issue special authorizations permitted by the prescribed regulations governing the destruction of records of carriers subject to Parts I, II, III, and IV.

6.6 Applications under section 20a (12) for authority to hold the position of officer or director of more than one corporation: Commissioner through whom the Bureau of Finance reports (Commissioner Mitchell).

6.7 (a) Special permissions or other permissible waivers of rules regarding schedules of rates, etc., under sections 6, 217, 218, 306, 405 and 409 (a): Commissioner through whom the Bureau of Traffic reports (Commissioner Freas).

(b) Released rates applications under section 20 (11);

(c) Ex Parte No. 13, with respect to modifications under section 6 (3) of posting requirements of section 6 (1); and

(d) Reduced rates authorizations in cases of calamitous visitation under section 22.

(e) Applications and complaints on the special docket.

6.8 (a) Uncontested matters arising under the Boiler Inspection Act, as amended: Commissioner through whom the Bureau of Safety and Service reports (Commissioner Tuggle).

(b) Uncontested matters under section 25, the Safety Appliance Acts, as amended, the Hours of Service Act, as amended, and section 3 of the Accident Reports Act (including the making of reports of investigations under that section except those in which testimony is taken at a public hearing).

(c) Uncontested matters relating to the transportation of explosives and other dangerous articles.

6.9 (a) With respect to carriers and other persons subject to Parts I, III, and IV, (a) authority to grant extensions of time for filing annual, periodical, and special reports, and (b) authority to grant exemptions to individual carriers from the reporting and accounting requirements: Commissioner through whom the Bureau of Transport Economics and Statistics reports (Commissioner McPherson).

(b) Requests for access to waybills or photostat copies thereof.

(c) Approval of research projects with consultation with the Commission as a whole from time to time as matters require.

6.10 Admission, disbarment, and suspension of practitioners before the Commission under Rules 7 to 13, inclusive, of the general rules of practice: Commissioner Mitchell.

6.11 Issuance and release of motor carrier accident investigation reports except those in which testimony is taken at a public hearing: Commissioner through whom the Bureau of Motor Carriers reports[1] (Commissioner Walrath).

6.12 Merely procedural matters in any formal case or pending matter, and extensions of time for compliance with

[1] This assignment became effective April 10, 1957.

orders' (except in investigations on the Commission's own motion), in any such case or matter which is not the subject of a suit in court, when the subject matter or particular proceeding has been or is assigned or referred to the division: *Provided*, That if the proceeding has been assigned to a Commissioner for administrative handling or preparation of report, such Commissioner shall act on such procedural matters (including extensions of time for compliance with orders); and if the subject matter or particular proceeding has not been assigned or referred to a division or to a Commissioner, the Chairman of the Commission may act on such matters: Chairman of the respective divisions; Chairman of the Commission.

6.13 The functions, powers, responsibilities, and duties of the Defense Transport Administration transferred and delegated to the Commission pursuant to the Defense Production Act of 1950, as amended, effective July 1, 1955: Commissioner through whom the Bureau of Safety and Service reports[2] (Commissioner Tuggle).

6.14 In each of the foregoing delegations and assignments, except Item 6.13, to an individual Commissioner, in event of the absence or disability of such individual Commissioner, the senior member of the division which has jurisdiction of the subject matter or proceeding who is present shall act instead of the Commissioner above designated. In the event of the absence or disability of a Commissioner to whom a proceeding not referred to a division has been assigned for administrative handling or preparation of report, procedural matters in connection with such proceeding may be acted upon by the Chairman of the Commission.

ASSIGNMENTS TO BOARDS

7.1 The following portions of the work, business, and functions of the Commission are assigned to Boards of employees. Such portions relate to proceedings or classes of proceedings that do not involve issues of general transportation importance. The right to apply to the Commission for rehearing, reargument or reconsideration of a decision, order or requirement of an appellate division upon a petition filed by a party to the original order, action or requirement of any such board is restricted, under the authority granted by section 17 (6) of the Interstate Commerce Act as herein provided.

[2] In the event of the absence or disability of the Commissioner who is responsible for the supervision of the Bureau of Safety and Service, the senior member of Division Three who is present shall act in his place and stead in performing the duties and exercising the powers vested in that Commissioner by delegation or redelegation issued pursuant to the Defense Production Act of 1950, as amended, or by the Director of the Office of Defense Mobilization pursuant to law, provided further, that in the event of the absence or disability of all members of Division Three, the Chairman (or, in his absence, the Acting Chairman) of the Commission shall act in the place and stead of said Commissioner in performing such duties and exercising such powers.

7.2 Fourth Section Board: Section Four, relating to long-and-short-haul and aggregate-of-intermediate rates, and relief therefrom, except proceedings made the subject of formal hearing, matters prompted by an order or requirement of the Commission or a division thereof, or matters arising from general increase proceedings. The Board may certify to Division Two any matter which, in its judgment, should be passed on by that division or the Commission.

7.3 Suspension Board: Section 15 (7) of Part I, sections 216 (g) and 218 (c) of Part II, sections 307 (g) and (i) of Part III and 406 (e) of Part IV, relating to the initial disposition of petitions or requests for suspension of schedules and tariffs, or parts thereof, including authority to institute investigations into rates, fares, charges, and practices of carriers under Parts I, II, III, and freight forwarders under Part IV, as ancillary to the suspension of any tariff or schedule, including also the power to enter orders discontinuing investigation and suspension proceedings, when, prior to hearing, the suspended schedules have been withdrawn and cancelled pursuant to special permission authority. This delegation of authority shall not include (1) petitions or requests relating to tariffs or schedules filed in purported compliance with any decision or order of the Commission or a division thereof, (2) petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or of wider scope, nor (3) any action in connection with suspensions to be taken during or after formal hearings or investigations. The Board may certify any question or matter which, in its judgment, should be acted upon by Division 2, or upon the recommendation of Division 2, by the Commission.

7.4 Motor Carrier Board: (a) Section 210 (a), relating to applications for temporary authority for service by common or contract carriers by motor vehicle, except applications involving broad questions of policy; matters following the issuance of an order or requirement of the Commission or a Division thereof; matters in which a related question is already before the Commission or a Division; and applications received as a result of strikes which allegedly disrupt transportation in the areas involved, provided that any initial grant of temporary authority by the Motor Carrier Board shall be limited to a period not exceeding 60 days, but may be continued by the board, upon consideration of an appropriate petition, for a further period, not to exceed an aggregate of 180 days. Matters herein excepted from the Board's jurisdiction shall be certified to Division 1 under Item 7.4 (e).

(b) Determination of uncontested motor carrier revocation proceedings under section 212 (a) which have not involved the taking of testimony at a public hearing.

(c) Determination of applications under section 212 (b), relating to transfer of certificates or permits, which have not involved the taking of testimony at a public hearing.

(d) Any matter referred to the board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(e) The Board may certify to Division One or Division Four any matter included within the assignment of duties to the division, which in the Board's judgment should be passed on by that Division, or the Commission.

REHEARINGS AND FURTHER PROCEEDINGS

8.1 For the proper and more convenient dispatch of business, and to the ends of justice, the following regulations of the conduct of proceedings are adopted (in addition to those governing the parties, as set out in the Rules of Practice), in respect of rehearings, reconsiderations, further hearings, and supplementary proceedings, as the result of the filing of petitions by parties to the decisions, orders, or requirements of divisions of the Commission, individual Commissioner, Board of Suspension, Fourth Section Board or Motor Carrier Board.

8.2 In respect of all such matters, petitions for reconsideration or for rehearing of any order or decision of an individual Commissioner as herein authorized shall be initially passed upon by the division to which the general subject is referred, and if the general subject has not been referred to a division, then by the Commission.

8.3 Except in matters assigned to the Motor Carrier Board, and further excepting matters relating to long-and-short-haul and aggregate-of-intermediate rates, and relief therefrom, when such matters have not been subject to formal hearing; and further excepting matters relating to the disposition of applications for suspension of schedules and tariffs or parts thereof, as more especially provided in a succeeding paragraph, any such petition (and any supporting or opposing documents):

(a) In a proceeding decided unanimously with respect to the final conclusion by the participating members of a division, except as indicated in (b) shall be considered by the Commission;

(b) In a proceeding (1) not decided unanimously with respect to the final conclusion by the participating members of the division, (2) in which, without regard to the unanimity of the division, the head of a Commission's bureau by whom the matter is circulated recommends the granting of such petition, and (3) relating to the application for approval of contract carrier rental contracts under authority of § 207.6 (b) of Ex Parte No. MC-43, shall be considered by the appropriate division as constituted at the time the petition is processed and circulated for action; if the division grants the same, the petition will stand as granted by the division and denied by the Commission, and further proceedings will be before the division and under its direction. Any further decision, order or requirement of the division shall be subject to petition for rehearing or reconsideration as provided in the act. If the division does

not grant the petition, it will be considered by the Commission.

8.4 Division Two is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action or requirement of the Board of Suspension or the Fourth Section Board shall be assigned or referred for disposition and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

8.5 Division One is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action, or requirement of the Motor Carrier Board under paragraphs (a) and (b) of Item 7.4 shall be assigned or referred for disposition (except as otherwise provided in Item 7.4 (a)) and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

8.6 Division Four is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action or requirement of the Motor Carrier Board under Item 7.4 (c) shall be assigned or referred for disposition and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

8.7 Announcements of the staying or postponement of decisions, orders, or requirements of divisions, individual Commissioners, or boards when petitions for rehearing, reargument, or reconsideration are filed before such decisions, orders, or requirements have become effective, will be made by the Secretary or under his direction.

BUREAUS AND OFFICES OF THE COMMISSION

9.1 The Bureaus and Offices of the Commission shall report as follows, except with respect to matters within the jurisdiction of the Managing Director:

Bureaus or offices of the Commission	Headed by	Reports to the Commission or appropriate division through
9.2 Office of the Managing Director	Managing director	Chairman ex officio.
(a) Budget and fiscal	Budget officer	
(b) Personnel	Personnel director	
(c) Stenography	Chief of section	
(d) Supplies and publications	Purchasing agent	
(e) Regional offices	13 regional managers	
9.3 Office of the Secretary	Secretary	Chairman ex officio.
(a) Dockets	Chief of section	
(b) Mails and files	Chief of section	
(c) Reference services	Chief of section	
9.4 Office of the General Counsel	General counsel	Chairman ex officio.
9.5 Accounts, Cost Finding and Valuation	Director	Commissioner Arpaia.
(a) Accounting	Chief accountant	
(b) Cost finding	Chief of cost finding	
(c) Engineering	Head valuation engineer	
(d) Field Service	Chief of Field Service	
(e) Land	Head land appraiser	
(f) Valuation Order No. 3	Head auditor, property changes	
9.6 Finance	Director	Commissioner Mitchell.
(a) Motor carrier finance	Assistant director and chief of section	
(b) Convenience and necessity and interlocking directorates.	Chief of section	
(c) Securities and reorganizations	Assistant director and chief of section	
9.7 Inquiry and Compliance	Director	Commissioner Minor.
(a) Motor carrier enforcement	Assistant director and chief of section	
(b) Rail, water, and forwarder enforcement	Chief of section	
9.8 Motor Carriers	Director	Commissioner Walrath.
(a) Administration	Administrative officer	
(b) Insurance	Chief of section	
(c) Safety	Chief of section	
(d) Motor carrier board	Chairman of board	
(e) Field organization	Assistant director	
(f) 13 districts	District director	
9.9 Operating Rights	Director	Commissioner Hutchinson.
(a) Appeals	Chief of section	
(b) Examiners	Chief of section	
(c) Administration	Chief of section	
(d) Captions	Chief of section	
(e) Certificates and permits	Chief of section	
9.10 Rates and Practices (general)	Director, chief examiner	Commissioner Murphy.
(a) Matters pending before divisions		Chairman of division.
(b) Examiners reviewing	Chief of section	
9.11 Traffic	Director	Commissioner Freas.
(a) Rail Tariffs (including water, pipe line, and express tariffs).	Assistant director and chief of section	
(b) Motor Tariffs (including freight forwarder tariffs and motor carrier-freight forwarder agreements under section 409).	Assistant director and chief of section	
(c) Informal cases	Assistant director and chief of section	
(d) Suspension Board	Chairman of Board	
(e) Fourth Section Board	Chairman of Board	
9.12 Safety and Service	Director	Commissioner Tuggle.[1]
(a) Car service	Assistant director	
(b) Locomotive inspection	Assistant director of bureau and director of locomotive inspection.	
(c) Railroad safety	Assistant director	
(d) Explosives branch	Chief of Branch	
9.13 Transport Economics and Statistics	Director	Commissioner McPherson.
(a) Section of reports	Chief of section	
(b) Section of research	Chief of section	
(c) Section of traffic statistics	Chief of section	
9.14 Water Carriers and Freight Forwarders	Director	Commissioner Winchell.
(a) Section 5a applications		
(b) Temporary operating authorities		
9.15 Transport Mobilization Staff	Chief, mobilization planning	See item 6.13 and footnote of item 9.12.

[1] Also serves as the delegate for administration and performance of duties arising under Defense Production Act of 1950, as amended. The staff performing these functions is designated as Transport Mobilization Staff. See Items 6.13 and 9.15.

[F. R. Doc. 57-4546; Filed, June 5, 1957; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-2117]

ELEKTROWERKE AKTIENGESELLSCHAFT

NOTICE OF APPLICATION FOR EXEMPTION

MAY 31, 1957.

Notice is hereby given that Elektrowerke Aktiengesellschaft ("Company"), a corporation organized and existing under the laws of Germany, has filed an application pursuant to section 304 (d) of the Trust Indenture Act of 1939 for an order exempting from the provisions of section 310 (a) (3) of the act, the 4⅞ percent Debt Adjustment Bonds, due January 1, 1973, to be issued by it under an Indenture to be dated as of January 1, 1953, between the Company and The First National City Bank of New York, as Trustee and Deutsche Treuhand Gesellschaft, as co-trustee, in connection with the Company's offer of settlement to be made pursuant to Annex II of the London Agreement on German External Debts of February 27, 1953, between the Government of the Federal Republic of Germany, the United States of America and other countries. The Company has also filed an application pursuant to section 310 (b) (1) (ii) of the act for a finding by the Commission that trusteeship of Deutsche Treuhand Gesellschaft under the old indenture and its co-trusteeship under the indenture and the trusteeship of The First National City Bank of New York under the new indenture and Trusteeship by it under a guaranty agreement with respect to the new bonds is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the co-trustee from acting as trustee under the old indenture and as co-trustee under the new indenture, or to disqualify the trustee under the new indenture from acting as trusete under the guaranty agreement.

Section 304 (d) of the act permits the Commission, on application by the issuer and after opportunity for hearing thereon, to exempt by order from any one or more provisions of the act, any security proposed to be issued by a person organized and existing under the laws of a foreign government if and to the extent that the Commission finds that compliance with such provision or provisions is not necessary in the public interest and for the protection of investors.

The application states, with respect to the request for exemption from section 310 (a) (3) of the act to permit certain acts to be performed by the co-trustee, as follows:

(1) The Company has outstanding bonds which have been in default for many years. The London Agreement provides, among other things, for the consensual settlement of foreign currency obligations of German corporate debtors by the refunding and extension of such obligations.

(2) The Company is liable only for the repayment of bonds which may be validated pursuant to the Validation Law

for German Foreign Currency Bonds of August 25, 1952.

(3) The terms of the offer negotiated by the Company for its outstanding obligations provide for the issuance by the Company of its Debt Adjustment Bonds, due January 1, 1973, in exchange for its outstanding validated bonds.

(4) The mortgage securing the new bonds will be registered in favor of the German co-trustee and certain acts with respect to the release of property, the reduction of the registered amount of liens and the disposition of release moneys are performed only by the co-trustee subject, however, to ultimate control by the American institutional trustee.

(5) Section 310 (a) (3) of the Trust Indenture Act of 1939 requires that the rights, powers, duties and obligations be conferred upon the American institutional trustee alone or jointly with the co-trustee unless under the laws of any jurisdiction in which acts are to be performed the institutional trustee is incompetent or unqualified to act.

(6) The rights in the security of both the holders of the new bonds and the old bonds are rights in German property, created under German mortgage law and to a large extent dependent upon the interpretation of the German Implementation Law; and such right in the security should be adjudicated only by German courts.

(7) While the procedure proposed necessarily results in certain acts being performable by the co-trustee, the protection intended to be accorded to the bondholders by the Trust Indenture Act of 1939 is in no way impaired. All of the acts which are performable only by the co-trustee are in each case, subject to ultimate control by the trustee if such control is exercised within 30 days after notice is received of the proposed action.

The application states, with respect to the request for a finding under section 310 (b) (1) (ii), to permit the same organization to act as trustee under the old and as co-trustee under the new indenture as follows:

(1) The provisions of the German Implementation Law, which was adopted in order to allow an orderly and nondiscriminatory settlement of debts under the London Agreement, prohibit the German debtor from making payments or any other performance with respect to any old obligations until all refunding obligations issued by all German debtors have been paid in full.

(2) By virtue of the provisions of the Implementation Law, the trustee under the old indenture is without the power or incentive to seek payment of the old bonds in preference to payment on the new bonds or to prevent orderly payment in full of the new bonds in accordance with their terms.

(3) Any remaining conflict of interest between the trustee under the old and the co-trustee under the new indenture would appear to be eliminated by reason of the powers in the American institutional trustee to direct action by the co-trustee under the indenture to be qualified.

(4) The complicated nature of German real estate law and title registration procedures, makes it highly desirable that the holder of a lien be fully familiar with the entire records in each land register relating to the property subject to the lien.

(5) The desirability for familiarity with the land registers is greatly increased in the case of the settlement of a debt under the London Agreement because of the fact that frequent changes in the land registers will be required during the pendency of the settlement offer relating both to the correction of the land registers to reflect the variations in the mortgage securing the old and new bonds as the new bonds are issued in exchange for old bonds, and also to the reduction of such registered amounts and the release of security from time to time pursuant to the terms of the settlement offer.

The application states, with respect to the request for a finding under section 310 (b) (1) (ii), to permit the same organization to act as trustee under the new indenture and a Guaranty Agreement with respect to the new bonds, as follows:

(1) Vereinigte Industrie Unternehmungen Aktiengesellschaft (VIAG) the owner of all the capital stock of Elektrowerke is guarantor of the payment of principal of and interest on the old bonds of Elektrowerke and of the sinking fund with respect thereto, under guaranty agreements between VIAG and Harris Trust and Savings Bank dated March 1, 1925, September 1, 1925, and April 1, 1928.

(2) In accordance with the London Agreement, VIAG proposes to offer to settle its guaranty obligations on the old bonds by offering, at the same time Elektrowerke makes its Offer of Settlement, to guarantee the principal of and interest on and sinking funds with respect to the new bonds.

(3) It is proposed that The First National City Bank of New York be the trustee under the Guaranty Agreement of VIAG, as well as trustee under the Indenture of Elektrowerke.

(4) The appointment of one person as trustee under both the Indenture and the Guaranty Agreement does not create any conflict of interest for such trustee and it is not necessary in the public interest or for the protection of investors to disqualify the trustee under the Guaranty Agreement.

(5) The public interest and the protection of investors require that the same person act as Trustee under both the Indenture and Guaranty Agreement, since the persons holding new bonds and the amounts of their security claims will in each case be identical, respectively, with the persons holding the guaranties and the amounts of such claims thereunder.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application which is now on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after June 20, 1957, unless prior thereto a hearing is ordered by the Commission. Any interested person may, not later than June 18, 1957, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-4572; Filed, June 5, 1957; 8:46 a. m.]

[File No. 70-3588]

GENERAL PUBLIC UTILITIES CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING CAPITAL CONTRIBUTION BY HOLDING COMPANY TO ITS SUBSIDIARY

MAY 29, 1957.

General Public Utilities Corporation ("GPU"), a registered holding company has filed a declaration and an amendment thereto with this Commission pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-45 promulgated thereunder regarding the following proposed transactions:

GPU proposes to make one or more cash capital contributions to its subsidiary, New Jersey Power & Light Company ("NJP&L"), in an amount not to exceed $3,000,000. GPU owns all of the common stock of NJP&L. Such cash capital contributions will be made by GPU from time to time but not later than December 31, 1957 and will be credited by NJP&L to its capital surplus account upon receipt thereof and promptly thereafter will be transferred to the stated capital applicable to its no par common stock. NJP&L will utilize the proceeds of such cash capital contributions for one or more of the following purposes: (a) To finance in part its current construction program, (b) to reimburse its treasury in part for expenditures made therefrom for construction purposes, and (c) to repay bank loans, the proceeds of which have directly or indirectly been utilized for construction purposes.

No State commission or Federal commission other than this Commission has jurisdiction over the proposed transactions.

The expenses (including counsel fees) of GPU and NJP&L in connection with the transactions which are the subject of this declaration as amended are estimated not to exceed $500 in the case of GPU and $500 in the case of NJP&L.

Due notice having been given of the filing of said declaration in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13470) and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 57-4573; Filed, June 5, 1957; 8:46 a. m.]

[File No. 70-3585]

METROPOLITAN EDISON CO.

ORDER GRANTING APPLICATION REGARDING ISSUANCE AND SALE AT COMPETITIVE BIDDING OF NEW BONDS

MAY 29, 1957.

Metropolitan Edison Company ("Meted"), a public utility subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company has filed an application and an amendment thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder regarding the following proposed transactions:

Meted proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $19,000,000 principal amount of additional first mortgage bonds ("New Bonds"), ____ percent Series, to be dated June 1, 1957 and to mature June 1, 1987. The 1987 Series bonds will be issued under the indenture, dated November 1, 1944, between Meted and Guaranty Trust Company of New York, as trustee, as heretofore supplemented and amended, and as to be further supplemented and amended by a further supplemental indenture to be dated June 1, 1957. The interest rate on the New Bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid Meted for the New Bonds, which price shall not be less than 100 percent and not more than 102.75 percent of the principal amount thereof, will be determined by the competitive bidding.

Of the proceeds from the sale of the New Bonds, $2,500,000 will be used (together with $1,400,000 of treasury funds) to prepay the $3,900,000 borrowings from banks which mature December 31, 1957 and the balance will be applied to 1957 construction expenditures and to repay short-term borrowings effected in 1957, the proceeds of which were used for 1957 construction purposes.

The issuance of the New Bonds have been authorized by the Pennsylvania Public Utility Commission and no other State commission or Federal commission, other than this Commission has jurisdiction over the proposed transactions.

It is estimated that Meted's expenses in connection with the above transactions will not exceed in the aggregate $86,000 including $13,000 for legal fees and $4,000 for accounting fees.

Due notice of the filing of the application having been given in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13465) and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, that the fees and expenses are not unreasonable and that the application as amended should be granted forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application as amended be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 57-4574; Filed, June 5, 1957; 8:46 a. m.]

[File No. 70-3581]

POTOMAC EDISON CO. ET AL.

ORDER AUTHORIZING ISSUE AND SALE OF COMMON STOCK BY SUBSIDIARIES TO HOLDING COMPANY

MAY 29, 1957.

In the matter of The Potomac Edison Company, Northern Virginia Power Company, Potomac Light and Power Company, South Penn Power Company; File No. 70-3581.

The Potomac Edison Company ("Potomac Edison"), a registered holding company and subsidiary of The West Penn Electric Company, also a registered holding company, and Northern Virginia Power Company ("Northern Virginia"), Potomac Light and Power Company ("Potomac Light"), and South Penn Power Company ("South Penn"), public utility subsidiaries of Potomac Edison, have filed a joint application-declaration and an amendment thereto, pursuant to sections 6 (b), 7, 9, 10, and 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 thereunder, regarding the following proposed transactions:

Northern Virginia, Potomac Light, and South Penn propose to issue and sell additional shares of their authorized and unissued capital stocks, and Potomac Edison proposes to acquire such shares, in each case for a cash consideration equal to the aggregate par or stated value thereof, as follows:

Subsidiary and title of issue	Presently outstanding	Proposed to be issued	Cash consideration
Northern Virginia—Common stock, par value $100 per share	*Shares* 146,500	*Shares* 10,500	$1,050,000
Potomac Light—Common stock, par value $100 per share	123,000	9,000	900,000
South Penn—Capital stock, no par, stated value $5 per share	704,200	23,800	119,000

The additional shares will be issued by the above three companies from time to time as necessary prior to December 31, 1957. Potomac Edison now owns all of the outstanding shares of capital stock of each of such companies and such shares are pledged and the additional shares will be pledged under the Indenture of Potomac Edison, dated as of October 1, 1944, as supplemented, securing its First Mortgage and Collateral Trust Bonds.

The said subsidiaries will apply the net proceeds from the sale of said stocks for necessary property additions and improvements.

The State Corporation Commission of Virginia has authorized the issuance and acquisition of the stock of Northern Virginia; the Pennsylvania Public Utility Commission has approved the issuance of the stock of South Penn; and the Public Service Commission of West Virginia, without passing upon or approving the terms and conditions of the acquisition by Potomac Edison of the stocks of said subsidiaries, has authorized the consummation of this transaction. No other State commission and no Federal commission, other than this Commission, has jurisdiction over any of the proposed transactions.

The aggregate fees and expenses to be paid in connection with said transactions are estimated at $3,225, including $300 for attorneys' fees.

Due notice having been given of the filing of the joint application-declaration (Holding Company Act Release No. 13452) and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and it appearing to the Commission that the estimated fees and expenses are not unreasonable provided they do not exceed the amounts estimated and that the joint application-declaration as amended should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 57-4575; Filed, June 5, 1957; 8:46 a. m.]

[File No. 70-3597]

WEST PENN RAILWAYS CO. AND WEST PENN ELECTRIC CO.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING PROPOSAL OF SUBSIDIARY TO PAY LIQUIDATING DIVIDEND TO PARENT

MAY 29, 1957.

Notice is hereby given that The West Penn Electric Company ("Electric"), a registered holding company, and its subsidiary West Penn Railways Company ("Railways") have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), and have designated sections 9, 10, 11 (b) and 12 (c) and Rules U-42 and U-46 of the act as applicable to the transactions proposed.

All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the proposed transactions, which are summarized as follows:

Railways, an inactive electric interurban railways company, to be ultimately liquidated and dissolved, proposes to distribute to its sole stockholder, Electric, $1,100,000 of unneeded cash. Of the $1,100,000 to be distributed $766,317 (representing the accumulation of the proceeds of the sale of certain property subject to the lien of the mortgage under which there is outstanding $3,987,000 principal amount of 5 percent non-callable bonds due June 1, 1960, issued by Railways' predecessor, West Penn Traction Company) is on deposit with the Trustee under the West Penn Traction Company ("Traction") mortgage. Under the reorganization plan of Electric approved by the Commission in 1949 (29 S. E. C. 685) Railways distributed the major portion of its assets to Electric and Electric assumed and agreed to pay the principal and interest of the Traction bonds. The distribution of the $766,317 to Electric is to be subject to the rights of the Trustee and the holders of the Traction bonds.

It is further proposed to request the Trustee to use such funds to purchase Traction bonds in the open market or at private sale, at current prices, through requests for tenders or otherwise, as approved by the Trustee and Electric. No such purchases are to be made at a price which would result in a yield higher than 4.15 percent; at the present time such yield would require a price of 102⅜ of principal amount to be paid by Electric for Traction bonds. Electric represents that said 4.15 percent yield is approximately equivalent to the yield, at current market prices, of its outstanding 3½ percent Sinking Fund Collateral Trust Bonds due 1974.

Applicants-declarants request that our order to be issued herein contain appropriate recitals conforming to the requirements of section 1081 (f) of the Internal Revenue Code of 1954.

Notice is further given that any interested person may not later than June 20, 1957 request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact and law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may grant the application, as filed or as amended, and permit the declaration, as filed or as amended, to become effective, or the Commission may grant exemption from its Rules as provided in Rules U-20 (a) and U-100 thereof, or take such other action as may be deemed appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-4576; Filed, June 5, 1957; 8:47 a. m.]

[File No. 24D-1577]

UNITED URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MAY 31, 1957.

I. United Uranium Corporation (United), a Colorado corporation, 1608 Broadway, Denver 2, Colorado, having filed with the Commission on January 26, 1955, a notification on Form 1-A and an offering circular, relating to an offering through John L. Donohue, 430 16th Street, Denver 2, Colorado, as underwriter, of 2,000,000 shares of its 1-cent par value common stock at 10 cents per share and 2,133,329 shares to 37 existing shareholders at 3 cents a share as part of an offer of rescission for an aggregate of $263,999.87 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The notification fails to contain the information required by Item 2 with respect to United; and

2. The notification fails to contain the information required by Item 3 with respect to unregistered securities issued and sold by United within one year prior to the filing of the notification; and

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading, concerning, among other things:

1. United's contemplated offering and sale of securities in addition to those covered by the notification;

2. Unregistered securities of United sold by United within one year prior to the date of filing of the notification;

3. Securities of United outstanding as of the date of the offering circular;

4. Contingent liabilities incurred by United as a result of sales of its securities; and

5. The percentage of United common stock that would be owned by different classes of persons if the offering were sold out; and

C. The offering had been made in such a manner as to operate as a fraud and deceit upon the purchasers in that use had been made of an offering circular which contained false and misleading statements as specified hereinabove and which failed to disclose, among other things, that United's underwriting agreement with the underwriter had been canceled and that United Producers, Inc., an affiliate, had agreed to sell either to United or its officers approximately 1,000,000 shares of United stock at ½ cent per share and United's officers had embarked on a program to sell this stock at varying prices.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-4577; Filed, June 5, 1957; 8:47 a. m.]

[File No. 70-3586]

GEORGIA POWER CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

MAY 29, 1957.

Georgia Power Company ("Georgia"), a public utility subsidiary of The Southern Company ("Southern"), a registered holding company, has filed an application and amendments thereto with this Commission pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-50 promulgated thereunder regarding the following proposed transaction:

Georgia proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $15,500,000 principal amount of its First Mortgage Bonds ("Bonds"), __ Percent Series due 1987. The Bonds will be issued under and secured by an Indenture dated as of March 1, 1941 between Georgia and The

New York Trust Company, as Trustee, and indentures supplemental thereto, including a proposed Supplemental Indenture to be dated as of June 1, 1957. The invitation for bids will specify that the amount to be received by Georgia shall not be less than 100 percent nor more than 102.75 percent of the principal amount thereof, plus accrued interest from June 1, 1957 to the date of payment and delivery, and that the interest rate shall be a multiple of ⅛ of 1 percent.

Georgia proposes to use the net proceeds from the sale of new bonds for the construction or acquisition of permanent improvements, extensions and additions to its property. The company estimates that its expenditures for 1957 will approximate $72,300,000 and in order to finance such program it will use cash on hand in excess of operating requirements, interest and dividends, including in such cash the proceeds from the sale of the new bonds and $17,000,000 received and $2,000,000 to be received during 1957 from the sale to Southern of additional shares of common stock of Georgia.

The fees and expenses incurred or to be incurred by Georgia in connection with the proposed transaction are estimated as follows:

Federal original issue tax	$17,050
Filing fee—Securities and Exchange Commission	1,597
Charges of trustee (including counsel)	7,175
Cost of definitive bonds	5,125
Printing and preparation of registration statement, prospectus, competitive bidding papers, supplemental indenture, etc	10,000
Recording supplemental indenture	5,000
Services of Southern Services, Inc.	5,000
Fees of counsel (Winthrop, Stimson, Putnam & Roberts)	10,000
Fees of accountants (Arthur Andersen & Co.)	3,500
Miscellaneous, including telephone and telegraph charges and traveling expenses	3,000
Total	67,447

The legal fee of Simpson, Thacher & Bartlett, who have been selected as Counsel for the underwriters, is estimated at $7,000 and is to be paid by the underwriters.

The issuance and sale of the Bonds have been expressly authorized by the Georgia Public Service Commission, the State commission of the State in which the company is organized and doing business.

Due notice of the filing of the application having been given in the manner provided in Rule U-23 promulgated under the act (Holding Company Act Release No. 13468), and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder have been satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers to grant the application, as amended, effective, forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application, as amended, be, and hereby is, granted, effective forthwith, subject to the terms and provisions prescribed in Rule U-50 and Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-4578; Filed, June 5, 1957; 8:47 a. m.]

VETERANS ADMINISTRATION

STATEMENT OF ORGANIZATION

MISCELLANEOUS AMENDMENTS

The Veterans Administration statement of organization (21 F. R. 3812) is amended as follows:

1. In section 1, paragraph (a) (1), line 7 of the second sentence: After "retirement pay;" insert "dependency and indemnity compensation;" line 9 of the second sentence: After "education and training;" insert "war orphans' educational assistance;".

2. In section 1, paragraph (a) (2), line 6, before "U. S. C. 11" insert "38".

3. In section 1, paragraph (b) (2), line 6: After "Centers," insert "Outpatient Clinics,".

4. In section 2, paragraph (b) is amended to read as follows:

SEC. 2. *Central office.* * * *

(b) *The Deputy Administrator.* The Deputy Administrator is the principal assistant to the Administrator in the overall administration of the Veterans Administration. He takes independent action for the Administrator on all problems affecting the Veterans Administration which do not require the Administrator's personal attention and acts for the Administrator in the latter's absence.

5. In section 2, paragraph (d) (2) (iii), line 7, change "Fedral" to "Federal"; line 9, delete ", and represents the Ad-" and insert "in cooperation with the".

6. In section 2, paragraph (d) (2) (vii), line 9, change "committee" to "committees".

7. In section 2, paragraph (d) (4) (vi), line 1, change "assemblies" to "assembles".

8. In section 2, paragraph (d) (5) is amended to read as follows:

SEC. 2. *Central office.* * * *

(d) *Staff Offices.* * * *

(5) *Office of the Assistant Administrator for Administration.* (i) The Assistant Administrator for Administration formulates and recommends to the Administrator general policies and plans of VA-wide application pertaining to the following activities:

(*a*) Purchasing and supply.

(*b*) Office systems and integrated data processing.

(*c*) Office operations and administration.

(ii) Advises and assists the heads of the departments and other top officials in connection with these activities, and appraises for the Administrator the effectiveness and economy of these activities.

(iii) Responsible for housekeeping functions incident to the maintenance of Central Office.

(iv) Is responsible for the management of the Veterans Administration Supply Fund.

(v) Interprets for the Administrator, heads of departments, and other top officials purchasing regulations, decisions, and directives of the General Services Administration, and other Government agencies.

(vi) Directs special studies and research in programs, practices, and techniques in areas for which responsible to evaluate their possible application to the Veterans Administration.

(vii) Serves as principal representative of the Veterans Administration with the General Services Administration, and other agencies, public and private, on matters pertaining to purchasing and supply. Provides for Veterans Administration participation with other Government agencies, and nongovernment activities in such matters in which the Veterans Administration has an interest, collaborating with the heads of departments as necessary.

(viii) Acts as liaison with Office of Defense Mobilization, Executive Office of the President, in the development of plans for the continuity of Government in the event of a national emergency, and Federal Civil Defense Administration in national civil defense planning.

(ix) Plans and directs a safety and fire protection program in buildings, except hospitals, occupied by the Veterans Administration in the metropolitan Washington area; serves as Disaster Relief Director for the Veterans Administration Central Office, Veterans Benefits Office, and Insurance Center, Washington, D. C., involving responsibility for coordinated planning and direction of participation by these offices in civil defense exercises; conducts surveys and inspections to insure continuing effectiveness of these programs.

9. In section 2, former paragraph (d) (6) (vii) is amended and redesignated paragraph (d) (6) (v), and former paragraphs (d) (6) (v) and (d) (6) (vi) are redesignated paragraphs (d) (6) (vi) and (d) (6) (vii), so that the amended and redesignated material reads as follows:

SEC. 2. *Central office.* * * *

(d) *Staff Offices.* * * *

(6) *Office of the Assistant Administrator for Appraisal and Security.* * * *

(v) As Employment Policy Officer for the Veterans Administration represents and acts for the Administrator in all matters coming within the purview of Executive Order 10590.

(vi) Submits appraisals for the use of the Administrator or Deputy Administrator of Veterans Affairs; disseminates information from these reports to the heads of the departments and other top officials; and maintains controls to assure that corrective action is accomplished by the responsible officials in accordance with instructions of the Administrator.

(vii) Maintains liaison and acts in cooperation with the officials of other departments and agencies of the Government on these matters.

10. In section 2, paragraph (e) (2) (viii) (*a*), (*1*) and (2), (*b*), (*c*), (*d*), (*e*), (*f*) and (*g*), and paragraph (e) (2) (ix) are amended to read as follows:

SEC. 2. *Central office.* * * *

(e) *Department.* * * *

(2) *Department of Veterans Benefits.* * * *

(viii) *Office of the Director, Field Service.* (*a*) Administers for the Chief Benefits Director a program of continuously surveying all work performed in all field stations of the department in order to:

(*1*) Report nonconformance with the laws, regulations, policies, procedures and standards.

(*2*) Ascertain whether all activities are conducted efficiently and economically, recommending appropriate action.

* * * * *

(*b*) Directs the activities of the area office, Department of Veterans Benefits.

(*c*) Formulates and recommends to the Chief Benefits Director plans, procedures and standards for surveying and evaluating all work performed in all field stations of the department and for the inspection functions of the department.

(*d*) Develops instructions and technical aids to provide for the most effective implementation of approved policies pertaining to the survey and inspection functions of the department.

(*e*) Conducts a continuing program of in-service training for field service personnel.

(*f*) Furnishes analyses and evaluations of field activities as reflected in survey reports and related correspondence, recurring statistical reports and other sources.

(*g*) Reviews survey reports on a post-audit basis.

* * * * *

(ix) *Area Office, Department of Veterans Benefits.* (*a*) Under the direction of an area representative and within the guidelines and policies promulgated by the Director, Field Service, surveys all work performed in all field stations of the department within an assigned geographical area, performing the following: conducts a program of continuously surveying all work performed in all field stations of the department in order to report nonconformance with the laws, regulations, policies, procedures and standards; ascertain whether all activities are conducted efficiently and economically, recommending appropriate action; appraise for the Director, Field Service, the performance of all field activities of the department as to end products; evaluate for the Director, Field Service, field station management; evaluate for the Director, Field Service, field station management; evaluate for the Director, Field Service, the utilization of manpower, material and funds; furnish assistance to field stations in the solution of management and operational problems; identify major management problems, areas or opportunities for improvement, including changes in organization structure and changes in field station pattern, and recommend appropriate action; identify for departmentwide purposes, organizational units or individual employees who have made outstanding contributions to the effectiveness or economy of operations; and identify improvements in practices, techniques and procedures in one or more stations and recommend action to disseminate such information to the field stations as appropriate.

(*b*) Conducts inspection functions of the department within the assigned area; directs regularly scheduled surveys of each assigned field station by field service personnel who will report on conditions found, and assist in or recommend corrective action as warranted; area representatives will act on the reports including the Manager's comments, forwarding to the Director, Field Service, matters that cannot be resolved or are not covered by existing regulations, policies, and procedures; advises the Director, Field Service, of the current effectiveness of field stations and makes recommendations with respect thereto; arranges survey itineraries and coordinates visits to field stations with other governmental agencies; determines need for special surveys at particular field stations where unusual problems require immediate attention, makes such visits, and provides such help as is necessary; identifies program area requiring in-service training and staff development; stimulates, assists in arranging for, and participates in regional office in-service training; performs liaison functions between central office, field stations, other agencies and organizations as directed; and conducts special studies, inquiries, and other assignments as directed.

(*c*) Area offices are located in the following cites: Atlanta, Ga.; Chicago, Ill.; Dallas, Tex.; Hartford, Conn.; and San Francisco, Calif.

11. In section 2, paragraph (e) (3) is amended to read as follows:

SEC. 2. *Central office.* * * *

(e) *Departments.* * * *

(3) *Department of Insurance.* The Chief Insurance Director has jurisdiction over, directs, and is responsible to the Administrator for the management, operation, organization, and conduct of the nationwide Veterans Administration insurance program; directs the development and execution of the departmentwide policies and plans covering all functions of the integrated insurance programs; and appraises the effectiveness and economy of all insurance activities.

The Deputy Chief Insurance Director serves as the full assistant to the Chief Insurance Director in the discharge of his responsibilities, acts for him in his absence, and participates fully in the direction of all activities of the Department of Insurance.

(i) *Office of the Evaluation Staff.* Develops and conducts for the Chief Insurance Director a continuing program of surveys of the internal management of the department and all aspects of the field station operations and management; evaluates the effectiveness and economy of operations of the filed and Central office on the basis of visits, management audit reports, etc.; as a result of these studies, develops and follows up on reports and recommendations to the Chief Insurance Director; performs special assignments for the Chief Insurance Director; and conducts inspections of improper or unethical conduct of employees of the Department of Insurance.

(ii) *Office of the Insurance Counsel.* (*a*) Formulates and recommends to the Chief Insurance Director, policies and plans of departmentwide application relating to insurance laws and regulations; serves as legal counsel for the department; renders legal opinions; reviews and recommends courses of action on all proposed legislation affecting the insurance program.

(*b*) Serves as a member of the policy board, Department of Insurance.

(iii) *Office of the Chief Actuary.* (*a*) Formulates and recommends to the Chief Insurance Director policies and plans of departmentwide application within the limitation of VA-wide policies and plans pertaining to insurance actuarial activities.

(*b*) Serves as a member of the policy board, Department of Insurance.

(*c*) Conducts mortality and disability studies and analyses of experience, establishes and calculates policy rates and values, determines surplus and apportionment of dividends, and compiles actuarial statements.

(*d*) Determines the status of the United States Government Life Insurance Fund, the National Service Life Insurance Fund, and the revolving funds established under Public Law 23, 82d Congress.

(*e*) Performs special studies relating to actuarial matters as requested by the Chief or Deputy Chief Insurance Director.

(*f*) Works with actuarial advisory committee in developing solutions to technical actuarial problems.

(iv) *Office of the Director, Underwriting Service.* (*a*) Formulates and recommends to the Chief Insurance Director policies and plans of departmentwide application within the limitation of VA-wide policies and plans pertaining to insurance underwriting.

(*b*) Advises the Chief Insurance Director and other staff officials in connection with the underwriting function, and appraises the technical effectiveness of that activity.

(*c*) Serves as a member of the policy board, Department of Insurance.

(*d*) Reviews evidence, determines the facts, and prepares and recommends decisions on protest, and unusually complicated underwriting cases.

(v) *Office of the Director, Insurance Accounts Service.* (*a*) Formulates and recommends to the Chief Insurance Director policies and plans of departmentwide application within the limitation of VA-wide policies and plans pertaining to insurance accounting.

(*b*) Advises the Chief Insurance Director and other staff officials in connection with insurance accounting, and appraises the technical effectiveness of the activity.

(*c*) Serves as a member of the policy board, Department of Insurance.

(d) Reviews evidence, determines the facts, and prepares and recommends decisions on protest and unusually complicated cases involving insurance accounting matters.

(vi) *Office of the Director, Insurance Claims Service.* (a) Formulates and recommends to the Chief Insurance Director policies and plans of department-wide application within the limitation of VA-wide policies and plans pertaining to insurance claims.

(b) Advises the Chief Insurance Director and other staff officials in connection with insurance claims, and appraises the technical effectiveness of that activity.

(c) Serves as a member of the policy board, Department of Insurance.

(d) Directs the activities of the administrative review board, reviews, develops evidence, makes determination of fact, and prepares and recommends decisions, involving questions of legal and medical nature on protest, litigated and highly complicated disability insurance claims cases.

(vii) *Office of the Controller, Department of Insurance.* (a) Formulates and recommends to the Chief Insurance Director policies and plans of department-wide application within the limitation of VA-wide policies and plans pertaining to the following activities of the Department of Insurance:

(1) The budgetary and work measurement programs.

(2) The accounting, funding and fiscal systems.

(3) An integrated system of financial and management reporting.

(4) A continuing program of fiscal audit.

(b) Advises the Chief Insurance Director and other staff officials in connection with these activities and appraises the technical effectiveness of these activities.

(c) Serves as a member of the policy board, Department of Insurance.

(d) Recommends with respect to budget formulation and the control of departmental funds within overall approved budgetary programs.

(e) Participates in the justification of the budget estimates of the Department of Insurance before the Bureau of the Budget representatives and congressional committees.

(viii) *Office of the Director, Methods and Procedures Service.* (a) Formulates and recommends to the Chief Insurance Director policies and plans of department-wide application within the limitation of VA-wide policies and plans pertaining to the following activities: the development of new or revised methods and systems including the exploration and application of mechanical and electronic techniques; the development of procedural manuals and guides; the conduct of research into commercial and other management practices for possible adaptation to the insurance program.

(b) Advises the Chief Insurance Director and other staff officials in connection with these activities and appraises the technical effectiveness of these operations.

(c) Serves as a member of the policy board, Department of Insurance.

(d) Works with the several staff elements in the technical development of new or revised methods and procedures.

(ix) *Office of the Director, Administrative Service.* (a) Formulates and recommends to the Chief Insurance Director policies and plans of department-wide application within the limitation of VA-wide policies and plans pertaining to the following activities: correspondence management, office operations and administration, work simplification, office machines management, records management, incentive awards, publication and forms control, and supply liaison.

(b) Advises the Chief Insurance Director and other staff officials in connection with these activities and appraises the technical effectiveness of these operations.

(c) Serves as a member of the policy board, Department of Insurance.

(d) Serves as liaison with the service departments on insurance program matters.

(x) *Office of the Director, Personnel Service.* (a) Formulates and recommends to the Chief Insurance Director policies and plans of departmentwide application within the limitation of VA-wide policies and plans pertaining to all personnel management activities such as: position classification, recruitment, placement, management development, training, employee relations and personnel research.

(b) Advises the Chief Insurance Director and other staff officials in connection with these activities and appraises the technical effectiveness of these operations.

(c) Serves as a member of the policy board, Department of Insurance.

12. In section 3, paragraph (g) is amended to read as follows:

SEC. 3. *Field Stations.* * * *

(g) *Domiciliary.* A Veterans Administration domiciliary is a field station having only domiciliary activities. By domiciliary activities is meant the providing of a program of planned living in a sheltered environment and necessary ambulatory medical treatment to veterans who are unable because of their disabilities to earn a living but who are not in need of nursing service, constant medical supervision, or hospitilization. Domiciliary care is not to be considered as a convalescent service or an adjunct to the hospital for treatment of chronic diseases or as custodial care of incompetent veterans.

13. Section 4 is amended to read as follows (changes have been made only in the following: Arizona, California, Connecticut, Florida, Georgia, Idaho, Illinois, Iowa, Kentucky, Massachusetts, Michigan, Missouri, Montana, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Washington, and Wisconsin):

SEC. 4. *Addresses of Veterans Administration installations and jurisdictional areas of district offices and Insurance Center, D. C.*—(a) *Addresses of Veterans Administration installations.* This is a guide to the location of Veterans Administration field stations in each State (also Alaska, Canal Zone, Hawaii, and Philippines) where information may be obtained by personal contact or correspondence concerning benefits to veterans and their dependents and beneficiaries. The parent regional offices and centers having regional office activities are listed, with the VA Offices (formerly subregional and contact offices) indented thereunder. VA Offices having medical activities are preceded by an asterisk.

Type of activity and location	*Address*
ALABAMA	
Regional Office, Montgomery 4	400 Lee Street.
VA Office, Birmingham 3	1724 Third Avenue, North.
VA Office, Decatur	201 Gordon Drive.
VA Office, Gadsden	King Building, 524 Chestnut Street.
VA Office, Mobile 10	U. S. Court House and Custom House.
Hospital, Birmingham 3	Veterans Administration Hospital.
Hospital, Montgomery 10	Perry Hill Road.
Hospital, Tuscaloosa	Veterans Administration Hospital.
Hospital, Tuskegee	Veterans Administration Hospital.
ALASKA	
Regional Office, Juneau	Goldstein Building.
VA Office, Anchorage	P. O. Box 1399, Federal Building.
VA Office, Fairbanks	P. O. Box 869, Federal Building.
VA Office, Ketchikan	P. O. Box 2621, Federal Building.
ARIZONA	
Regional Office, Phoenix	Ellis Building, 137 North Second Avenue.
VA Office, Tucson	Greenway Station.
VA Office, Yuma	Post Office Building.
Hospital, Phoenix	Seventh Street and Indian School Road.
Hospital, Tucson	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Whipple.	Veterans Administration Center.

ARKANSAS

Type of activity and location	*Address*
Regional Office, Little Rock	555 Building, 211 Broadway.
VA Office, Batesville	Post Office Building.
VA Office, El Dorado	Federal Building.
VA Office, Forrest City	Post Office Building.
VA Office, Fort Smith	Post Office Building.
VA Office, Harrison	Seville Hotel.
VA Office, Jonesboro	Jonesboro Clinic Building.
VA Office, Pine Bluff	203½ West Fifth Street.
VA Office, Texarkana	Post Office Building, Fifth and State Line.
Hospital, Fayetteville	Veterans Administration Hospital.
Hospital, Little Rock	300 East Roosevelt Road.
Hospital, North Little Rock	Veterans Administration Hospital.

CALIFORNIA

Regional Office, Los Angeles 25	Manager's Office: 1031 South Broadway; Mail: 1380 South Sepulveda Boulevard.
VA Office, Bakersfield	1100 Golden State Highway.
VA Office, Las Vegas, Nev	120 South Third Street (P. O. Box 1751).
VA Office, Long Beach	Post Office Building, Third and American Avenue.
VA Office, Pasadena	137 North Marengo Avenue.
VA Office, San Bernardino	1120 North "E" Street.
VA Office, *San Diego 1	325 "B" Street.
VA Office, San Luis Obispo	864 Santa Rosa Street (P. O. Box 207).
Regional Office, San Francisco 3	49 Fourth Street.
VA Office, Fresno 21	Room 8, Post Office Building.
VA Office, *Oakland 12	1305 Franklin Street.
VA Office, Sacramento 14	921 10th Street.
VA Office, San Jose 10	192 St. Augustine Street.
VA Office, Stockton 2	142 North California Street.
Hospital, Fresno	2615 Clinton Avenue.
Hospital, Livermore	Veterans Administration Hospital.
Hospital, Long Beach	5901 Seventh Street.
Center (Hospital and Domiciliary), Los Angeles 25.	Sawtelle and Wilshire Boulevards.
Hospital, Oakland 12	13th and Harrison Street.
Hospital, Palo Alto	Veterans Administration Hospital.
Hospital, San Fernando	Veterans Administration Hospital.
Hospital, San Francisco 21	42d Avenue and Clement Street.
Hospital, Sepulveda	Veterans Administration Hospital.

CANAL ZONE

Veterans Administration Office, Balboa.	Balboa Clubhouse; Mail: P. O. Box 3672.

COLORADO

Center (Regional Office and District Office), Denver 2.	Denver Federal Center.
VA Office, Boulder	1245 Pearl Street.
VA Office, Colorado Springs	121 East Pikes Peak Avenue.
VA Office, Pueblo	Federal Building.
Hospital, Denver 20	1055 Clermont Street.
Hospital, Fort Lyon	Veterans Administration Hospital.
Hospital, Grand Junction	Veterans Administration Hospital.

CONNECTICUT

Regional Office, Hartford 4	95 Pearl Street.
VA Office, *Bridgeport 3	355 Fairfield Avenue.
VA Office, New Haven 11	294 Cedar Street.
VA Office, Waterbury	111 Grand Street.
Hospital, Newington 11	Veterans Administration Hospital.
Hospital, West Haven 16	West Spring Street.

DELAWARE

Type of activity and location	*Address*
Regional Office, Wilmington (No VA Office)	Dravo Building.
Hospital, Wilmington	Veterans Administration Hospital.

DISTRICT OF COLUMBIA

Hospital, Washington 7	2660 Wisconsin Avenue NW.
Insurance Center, Washington 25	Munitions Building.
Veterans Benefits Office, Washington 25.	Munitions Building.

FLORIDA

Regional Office, Pass-A-Grille Beach	P. O. Box 1437, St. Petersburg, Fla.
VA Office, Fort Lauderdale	Radio Center Building, 100 East Las Olas Building.
VA Office, Fort Pierce	118 Arcade Building.
VA Office, Gainesville	105 Seagle Building.
VA Office, *Jacksonville 1	Haverty Building, 317 Main Street.
VA Office, Key West	P. O. Box 609, Room 104, Post Office Building.
VA Office, Lakeland	Broderick Building.
VA Office, Marianna	Corner Estes and Lafayette Streets.
VA Office, *Miami 10	3300 N. E. Second Avenue.
VA Office, Orlando	Federal Office Building.
VA Office, Pensacola	25 East Wright Street.
VA Office, Tallahassee	115 South Adams Street.
VA Office, Tampa 2	311 East Harrison Street.
VA Office, West Palm Beach	712 Comeau Building.
Center (Hospital and Domiciliary), Bay Pines.	Veterans Administration Center.
Hospital, Coral Gables	Veterans Administration Hospital.
Hospital, Lake City	Veterans Administration Hospital.

GEORGIA

Regional Office, Atlanta 8	441–449 West Peachtree Street NE.
VA Office, Albany	509 Citizens and Southern Bank Building, 100 North Washington Street.
VA Office, Athens	Room 306, New Post Office Building.
VA Office, Augusta	217 Masonic Building, 801 Broad Street.
VA Office, Brunswick	302½ Gloucester Street.
VA Office, Columbus	Room 203, First National Bank Building.
VA Office, *Macon	407 Broadway.
VA Office, Rome	Room 205, West Building.
VA Office, *Savannah	35 Bull Street.
VA Office, Valdosta	601 North Toombs Street.
Hospital, Atlanta	5998 Peachtree Road NE.
Hospital, Augusta	Veterans Administration Hospital.
Hospital, Dublin	Veterans Administration Hospital.
Domiciliary, Thomasville	Veterans Administration Domiciliary.

HAWAII

Regional Office, Honolulu 1	P. O. Box 3198.
VA Office, Hilo, Hawaii	P. O. Box 1779 (Post Office Building).

IDAHO

Center (Hospital and Regional Office) Boise.	Fifth and Fort Streets.
VA Office, Coeur d'Alene	214 North Third Street.
VA Office, Idaho Falls	Post Office Building.
VA Office, Moscow	125 West Third Street.
VA Office, Pocatello	424 West Center Street.
VA Office, Twin Falls	249 Main Avenue, East.

ILLINOIS

Type of activity and location	Address
Regional Office, Chicago 12	2030 West Taylor Street.
VA Office, Champaign	607 South Neil Street.
VA Office, East St. Louis	435 Missouri Avenue.
VA Office, Gary, Ind	Gerometta Building, 301 East Fifth Avenue.
VA Office, Moline	1630 Fifth Avenue.
VA Office, Peoria	Central National Bank Building, Maine and Adams.
VA Office, Rockford	312 South Main Street.
VA Office, Springfield	U. S. Post Office Building.
Hospital, Chicago 11	333 East Huron Street (Veterans Administration Research Hospital).
Hospital, Chicago 12	820 South Damen Avenue (Veterans Administration (West Side) Hospital).
Hospital, Danville	Veterans Administration Hospital.
Hospital, Downey	Veterans Administration Hospital.
Hospital, Dwight	Veterans Administration Hospital.
Hospital, Hines	Veterans Administration Hospital (Edward Hines, Jr., Hospital).
Hospital, Marion	Veterans Administration Hospital.

INDIANA

Regional Office, Indianapolis 9	36 South Pennsylvania Street.
VA Office, Bloomington	102½ West Sixth Street.
VA Office, Evansville	206 Main Street.
VA Office, Fort Wayne 2	Post Office Building.
VA Office, Gary	(See Regional Office, Chicago.)
VA Office, Lafayette	Hook Building, 603 Main Street.
VA Office, Muncie	105 West Main Street.
VA Office, New Albany	304½ Pearl Street.
VA Office, South Bend 2	224 West Jefferson Boulevard.
VA Office, Terre Haute	Post Office Building.
Hospital, Fort Wayne 3	1600 Randalia Drive.
Hospital, Indianapolis 7	1481 West Tenth Street.
Tenth Street Hospital Division	Mail: 1481 West Tenth Street, Indianapolis 7.
Cold Spring Road Hospital Division.	Mail: 1481 West Tenth Street, Indianapolis 7.
Hospital, Marion	Veterans Administration Hospital.

IOWA

Center (Regional Office and Hospital), Des Moines 8.	Veterans Administration Center.
VA Office, Cedar Rapids	Room 309, Federal Building.
VA Office, Davenport	Room 233, Post Office Building.
VA Office, Dubuque	Room 306, Post Office Building.
VA Office, Fort Dodge	Room 218, Snell Building, 803 Central Avenue.
VA Office, Mason City	Room 311, Post Office Building.
VA Office, Ottumwa	Room 232, Post Office Building.
VA Office, Sioux City	Room 228, Federal Building.
VA Office, Waterloo	Room 322, Post Office Building.
Hospital, Iowa City	Veterans Administration Hospital.
Hospital, Knoxville	Veterans Administration Hospital.
Domiciliary, Clinton	Veterans Administration Domiciliary.

KANSAS

Center (Regional Office and Hospital) Wichita 8.	5500 East Kellogg.
VA Office, Hutchinson	Post Office Building.
VA Office, Pittsburg	City Auditorium, Fifth and Pine Streets.
VA Office, *Topeka	3701–9 West 21st Street.
Center (Hospital and Domiciliary) Wadsworth (within the Kansas City, Mo., Regional Office territory).	Veterans Administration Center.
Hospital, Topeka	Veterans Administration Hospital.

KENTUCKY

Type of activity and location	Address
Regional Office, Louisville 3	1405 West Broadway.
VA Office, Ashland	1617 Greenup Avenue.
VA Office, Bowling Green	Room 8, Post Office Building.
VA Office, Covington	Old Post Office Building, Third Street and Court Avenue.
VA Office, Harlan	Post Office Building.
VA Office, Hazard	Chamber of Commerce Building.
VA Office, Lexington	Room 7, Federal Building, Barr and Limestone Streets.
Hospital, Fort Thomas	(See Hospital, Cincinnati 20, Ohio).
Hospital, Lexington	Veterans Administration Hospital.
Hospital, Louisville 2	Mellwood and Zorn Avenue.
Hospital, Outwood	Veterans Administration Hospital.

LOUISIANA

Regional Office, New Orleans 13	2026 St. Charles Avenue.
VA Office, Baton Rouge 2	Reymond Building, 263 North Third Street.
VA Office, Hammond	City Hall.
VA Office, Houma	Terrebonne Parish Courthouse.
VA Office, Lafayette	515 South Buchanan Street.
VA Office, Lake Charles	921½ Ryan Street.
Center (Regional Office and Hospital), Shreveport 12.	510 East Stoner Avenue.
VA Office, Monroe	136 South Grand Street.
Hospital, Alexandria	Veterans Administration Hospital.
Hospital, New Orleans 12	1601 Perdido Street.

MAINE

Center (Regional Office and Hospital), Togus.	Veterans Administration Center.
VA Office, Bangor	96 Harlow Street.
VA Office, *Portland	171 Middle Street.

MARYLAND

Regional Office, Baltimore 2	St. Paul and Fayette Streets.
VA Office, Cumberland	Post Office Building, Pershing Street.
VA Office, Hagerstown	City Hall, North Potomac and Franklin Streets.
Hospital, Baltimore 18	3900 Loch Raven Boulevard.
Hospital, Fort Howard	Veterans Administration Hospital.
Hospital, Perry Point	Veterans Administration Hospital.

MASSACHUSETTS

Regional Office, Boston 8	1 Beacon Street.
VA Office, Brockton	Post Office Building.
VA Office, Cambridge	57 Inman Street.
VA Office, Chelsea	Room 102, City Hall.
VA Office, Fall River	(See Providence, R. I., Regional Office.)
VA Office, Fitchburg	280 Main Street.
VA Office, Greenfield	Post Office Building.
VA Office, Holyoke	Room 208, Post Office Building.
VA Office, Lawrence	477 Essex Street.
VA Office, *Lowell	Old Post Office Building.
VA Office, Lynn	Room 205, Daily Item Building, 38 Exchange Street.
VA Office, Malden	Room 4, City Hall Annex, Ferry Street.
VA Office, New Bedford	(See Providence, R. I., Regional Office.)
VA Office, Pittsfield	246 North Street.
VA Office, Salem	126 Washington Street.
VA Office, *Springfield	1200 Main Street.
VA Office, *Worcester 8	7 Chatham Street.
Hospital, Bedford	Veterans Administration Hospital.
Hospital, Boston 30	150 South Huntington Avenue.
Hospital, Brockton	Veterans Administration Hospital.
Hospital, Northampton	Veterans Administration Hospital.

MASSACHUSETTS—continued

Type of activity and location	*Address*
Hospital, Rutland Heights	Veterans Administration Hospital.
Hospital, West Roxbury 32	Veterans of Foreign Wars Parkway.
Outpatient Clinic, Boston 8	17 Court Street.

MICHIGAN

Regional Office, Detroit 31	310 East Jefferson Avenue.
VA Office, Flint 3	432 North Saginaw Street, Metropolitan Building.
VA Office, Grand Rapids	Goodspeed Building, 190 Monroe Avenue, NW.
VA Office, Lansing	300 East Michigan Avenue.
Hospital, Ann Arbor	2215 Fuller Road.
Hospital, Battle Creek	Veterans Administration Hospital.
Hospital, Dearborn	Veterans Administration Hospital.
Hospital, Iron Mountain	Veterans Administration Hospital.
Hospital, Saginaw	1500 Weiss Street.

MINNESOTA

Regional Office, St. Paul 11	Fort Snelling.
VA Office, Duluth 2	Post Office Building.
District Office, St. Paul 11	Fort Snelling.
Hospital, Minneapolis 17	54th Street and 48th Avenue, South.
Hospital, St. Cloud	Veterans Administration Hospital.

MISSISSIPPI

Center (Regional Office and Hospital), Jackson.	Veterans Administration Center.
VA Office, Gulfport	American Legion Building, 13th Street and 26th Avenue.
VA Office, *Meridian	814–818 22d Avenue.
Center (Hospital and Domiciliary), Biloxi.	Veterans Administration Center.
Biloxi Hospital and Domiciliary Division.	Mail: Biloxi.
Gulfport Hospital Division	Mail: Biloxi.

MISSOURI

Regional Office, Kansas City 8	1828 Walnut Street.
VA Office, Joplin	McKinley Building, 505 Joplin Avenue.
VA Office, St. Joseph	Post Office Building, Eighth and Edmond Streets.
VA Office, Sedalia	208 South Lamine Street.
VA Office, *Springfield	Wilhoit Building, Pershing and Jefferson Streets.
Regional Office, St. Louis 2 (No VA Office.)	415 Pine Street.
Hospital, Excelsior Springs	Veterans Administration Hospital.
Hospital, Jefferson Barracks 23	Veterans Administration Hospital.
Hospital, Kansas City 28	4801 Linwood Boulevard.
Hospital, Poplar Bluff	Veterans Administration Hospital.
Hospital, St. Louis 6	915 North Grand Boulevard (John J. Cochran Veterans Hospital).

MONTANA

Center (Regional Office and Hospital), Fort Harrison.	Veterans Administration Center.
VA Office, Billings	Room 219, U. S. Post Office and Court House, 26th Street and First Avenue; Mail: P. O. Box 1718.
VA Office, Butte	Owsley Building, Park and Main Streets.
VA Office, Great Falls	Room 304, Federal Building, First Avenue North and Third Street North; Mail: P. O. Box 1788.
VA Office, Missoula	Federal Building, East Broadway and Pattie.
Hospital, Miles City	Veterans Administration Hospital.

NEBRASKA

Type of activity and location	*Address*
Regional Office, Lincoln 1	Veterans Building, 12th and O Streets.
VA Office, Omaha 2	1612 Harney Street.
Hospital, Grand Island	Veterans Administration Hospital.
Hospital, Lincoln 1	Veterans Administration Hospital.
Hospital, Omaha 5	4101 Woolworth Avenue.

NEVADA

Center (Regional Office and Hospital), Reno.	Veterans Administration Center.
VA Office, Las Vegas	(See Los Angeles, Calif., Regional Office.)

NEW HAMPSHIRE

Reigonal Office, Manchester	497 Silver Street.
VA Office, Berlin	Coos County Courthouse.
VA Office, Dover	90 Washington Street.
VA Office, Laconia	Room 208, Forrestry Building, 719 Main Street.
VA Office, Portsmouth	Post Office and Customs House.
Hospital, Manchester	Smyth Road.

NEW JERSEY

Regional Office, Newark 2	20 Washington Place.
VA Office, Atlantic City	Old Post Office Building, Pacific and Pennsylvania Avenues.
VA Office, *Camden	Broadway Stevens Building, 300 Broadway.
VA Office, Jersey City	880 Bergen Avenue.
VA Office, New Brunswick	47 Paterson Street.
VA Office, Paterson	Room 201, Post Office Building.
VA Office, Red Bank	12 Broad Street.
VA Office, Trenton	200 East State Street.
Hospital, East Orange	Veterans Administration Hospital.
Hospital, Lyons	Veterans Administration Hospital.

NEW MEXICO

Regional Office, Albuquerque	11th Street and Tijeras Avenue.
VA Office, Carlsbad	County Courthouse.
VA Office, Clovis	105 East Sixth Street, P. O. Box 28.
VA Office, Gallup	Post Office Building, P. O. Box 791.
VA Office, Las Cruces	Dona Ana County Courthouse.
VA Office, Las Vegas	Post Office Building, P. O. Box 638.
VA Office, Santa Fe	U. S. Courthouse.
Hospital, Albuquerque	Veterans Administration Hospital.
Hospital, Fort Bayard	Veterans Administration Hospital.

NEW YORK

Regional Office, Albany 1	Watervliet Arsenal.
VA Office, Glen Falls	45 Ridge Street.
VA Office, Kingston	286 Fair Street.
VA Office, Plattsburg	City Hall Building.
VA Office, Poughkeepsie	15 Washington Street.
VA Office, Schenectady	Lorraine Building, 501–505 State Street.
Regional Office, Brooklyn 1 (No VA Office.)	250 Livingston Street.
Regional Office, Buffalo 3	1021 Main Street.
VA Office, Niagara Falls	42 Falls Street.
VA Office, *Rochester	39 State Street.
Regional Office, New York City 1	252 Seventh Avenue.
VA Office, Jamaica, Long Island	89–09 Sutphin Boulevard.
VA Office, Middletown	16 King Street.
VA Office, Mineola, Long Island	320 Old County Road.
VA Office, Newburgh	Post Office Building.
VA Office, White Plains	County Office Building.

NEW YORK—continued

Type of activity and location	*Address*
Regional Office, Syracuse 2	Chimes Building, 500 South Salina Street.
VA Office, Binghamton	Press Building, 19 Chenango Street.
VA Office, Utica 2	110 Genesee Street.
VA Office, Watertown	Post Office, 163 Arsenal Street.
Outpatient Clinic, Brooklyn 1	35 Ryerson Street; Mail: 250 Livingston Street.
Hospital, Albany	Veterans Administration Hospital.
Hospital, Batavia	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Bath.	Veterans Administration Center.
Hospital, Bronx 68	130 West Kingsbridge Road.
Hospital, Brooklyn 9	Veterans Administration Hospital.
Hospital, Buffalo 15	3495 Bailey Avenue.
Hospital, Canandaigua	Veterans Administration Hospital.
Hospital, Castle Point	Veterans Administration Hospital.
Hospital, Montrose	Veterans Administration Hospital. (Franklin Delano Roosevelt Hospital).
Hospital, New York 10	First Avenue at East 24th Street.
Hospital, Northport, Long Island	Veterans Administration Hospital.
Hospital, Sunmount	Veterans Administration Hospital.
Hospital, Syracuse 10	Irving Avenue and University Place.

NORTH CAROLINA

Regional Office, Winston-Salem	310 West Fourth Street.
VA Office, Asheville	Room 421, City Building.
VA Office, Charlotte	127 West Seventh Street.
VA Office, Durham	302 Morris Street.
VA Office, Gastonia	Post Office Building.
VA Office, Goldsboro	Room 607, Borden Building.
VA Office, New Bern	Post Office Building, P. O. Box 352.
VA Office, Raleigh	1212–13 Capital Club Building.
VA Office, Wilmington	Room 200, Custom House.
Hospital, Durham	Fulton Street and Erwin Road.
Hospital, Fayetteville	Veterans Administration Hospital.
Hospital, Oteen (includes Division at Swannanoa).	Veterans Administration Hospital.
Hospital, Salisbury	Veterans Administration Hospital.

NORTH DAKOTA

Center (Regional Office and Hospital), Fargo.	Veterans Administration Center.
VA Office, Bismarck	Federal Building.
VA Office, Grand Forks	102 North Fourth Street.
Hospital, Minot	Veterans Administration Hospital (John Moses Veterans Memorial Hospital).

OHIO

Regional Office, Cincinnati 2	209 East Sixth Street.
VA Office, Cambridge	118½ North Ninth Street.
VA Office, *Columbus 22	48 Starling Street.
VA Office, Dayton 2	15 East Fourth Street.
VA Office, Hamilton	152 High Street.
VA Office, Ironton	411 Center Street.
VA Office, Marietta	Room 523, First National Bank Building, 200 Putnam Street.
VA Office, Portsmouth	Post Office Building, 610 Gay Street.
VA Office, Springfield	McAdams Building, 31 East High Street.
VA Office, Zanesville	406 Market Street.
Regional Office, Cleveland 14	Cuyahoga Building.
VA Office, *Akron	72-76 South High Street.
VA Office, Canton 2	117 Walnut Avenue NE.
VA Office, Lorain	Broadway Building, 305 Broadway Avenue.
VA Office, New Philadelphia	152 North Broadway.

OHIO—continued

Type of activity and location	*Address*
Regional Office, Cleveland 14—Con.	Cuyahoga Building.
VA Office, Steubenville	333 North Fourth Street.
VA Office, *Toledo 4	604 Jackson Street.
VA Office, Warren	Post Office Building.
VA Office, Youngstown 3	Union National Bank Building, 6 West Federal Street.
Hospital, Brecksville	Veterans Administration Hospital.
Hospital, Chillicothe	Veterans Administration Hospital.
Hospital, Cincinnati 20	3200 Vine Street.
Cincinnati Hospital Division	Mail: 3200 Vine Street, Cincinnati 20.
Fort Thomas (Ky.) Hospital Division.	Mail: 3200 Vine Street, Cincinnati 20.
Hospital, Cleveland 30	7300 York Road.
Center (Hospital and Domiciliary), Dayton.	Veterans Administration Center.

OKLAHOMA

Regional Office, Muskogee	Second and Court Streets.
VA Office, Ardmore	Federal Building.
VA Office, Bartlesville	Rooms 220–222, Post Office Building.
VA Office, Clinton	Calmez Hotel.
VA Office, Enid	Federal Building, 105 West Broadway.
VA Office, Hugo	Room 6, Post Office Building.
VA Office, Lawton	Federal Building, P. O. Box 1185.
VA Office, McAlester	Rooms 205–207, Post Office Building.
VA Office, *Oklahoma City 3	210 Northwest Fifth Street.
VA Office, Ponca City	213 Federal Building.
VA Office, Shawnee	107 North Broadway.
VA Office, Tulsa	Room 602, Petroleum Building, 420 South Boulder Street.
Hospital, Muskogee	Memorial Station, Honor Heights Drive.
Hospital, Oklahoma City 4	921 Northeast 13th Street.

OREGON

Regional Office, Portland 4	208 Southwest Fifth Avenue.
VA Office, Eugene	610 Williamette Street.
VA Office, Medford	33 North Riverside Avenue.
Domiciliary, Camp White	Veterans Administration Domiciliary.
Hospital, Portland 7	Sam Jackson Park.
Hospital, Roseburg	Veterans Administration Hospital.

PENNSYLVANIA

Regional Office, Philadelphia 2	128 North Broad Street.
VA Office, Allentown	1122 Hamilton Street.
VA Office, Reading	U. S. Post Office Building.
Regional Office, Pittsburgh 2	107 Sixth Street.
VA Office, Altoona	Crist Building, 1114 12th Street.
VA Office, Erie	U. S. Court Building, State Street and South Park Row.
VA Office, *Johnstown	Old Post Office Building, Market and Locust Streets.
VA Office, Uniontown	Union Trust Building, 37 Main Street.
VA Office, *Wheeling, W. Va	11th and Chapline Streets.
Regional Office, Wilkes-Barre	19–27 North Main Street.
VA Office, *Harrisburg	100 North Cameron Street.
VA Office, Lancaster	250 West Orange Street.
VA Office, Pottsville	Thompson Building, 23–27 North Centre Street.
VA Office, *Scranton 3	Select Building, 116–18 North Washington Avenue.
VA Office, Shamokin	24 South Market Street.
VA Office, Williamsport	153 West Fourth Street.
VA Office, York	60 South Beaver Street.
District Office, Philadelphia 1	5000 Wissahickon Avenue; Mail: P. O. Box 8079; Remittance: P. O. Box 7787.
Hospital, Altoona	Veterans Administration Hospital.
Hospital, Butler	Veterans Administration Hospital.

PENNSYLVANIA—continued

Type of activity and location	*Address*
Hospital, Coatesville	Veterans Administration Hospital.
Hospital, Erie 5	135 East 38th Street Boulevard.
Hospital, Lebanon	Veterans Administration Hospital.
Hospital, Philadelphia 4	University and Woodland Avenues.
Hospital, Pittsburgh 6	Leech Farm Road.
Hospital, Pittsburgh 40	University Drive.
Aspinwall Hospital Division	Mail: University Drive, Pittsburgh 40.
Pittsburgh Hospital Division	Mail: University Drive, Pittsburgh 40.
Hospital, Wilkes-Barre	East End Boulevard.

PHILIPPINES

Regional Office, Manila	APO 928, San Francisco, Calif.
VA Office, Cebu City, Philippines	City Hall.

PUERTO RICO
(Including the Virgin Islands)

Center (Regional Office and Hospital), San Juan.	Post Office Box 4424.
VA Office, Arecibo	#28 De Diego Street.
VA Office, Caguas	45 Celis Aguilera Street.
VA Office, Cayey	62 Baldorioty Street.
VA Office, Humacao	Munoz Marin Avenue and Ulises Martinez Street.
VA Office, Ponce	Post Office Building, Atocha Street.
VA Office, Mayaguez	Post Office Building.

RHODE ISLAND

Regional Office, Providence 3	100 Fountain Street.
VA Office, Fall River, Mass	144 North Main Street.
VA Office, *New Bedford, Mass	757 Pleasant Street.
Hospital, Providence 8	Davis Park.

SOUTH CAROLINA

Regional Office, Columbia	1801 Assembly Street.
VA Office, Charleston 10	The Old Citadel Building.
VA Office, Greenville	Federal Courthouse and Post Office Building.
VA Office, Orangeburg	370 St. Paul Street, NE.
VA Office, Spartanburg	Montgomery Building.
Hospital, Columbia	Veterans Administration Hospital.

SOUTH DAKOTA

Center (Regional Office and Hospital), Sioux Falls.	Veterans Administration Center (Royal C. Johnson Veterans Memorial Hospital).
VA Office, Rapid City	414 Seventh Street.
Hospital, Fort Meade	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Hot Springs.	Veterans Administration Center.

TENNESSEE

Regional Office, Nashville 3	U. S. Court House, 801 Broadway.
VA Office, *Chattanooga 2	738 Georgia Avenue, Dome Building.
VA Office, *Knoxville	618 West Church Avenue.
VA Office, Memphis 3	526 Dermon Office Building, 46 North Third Street.
Hospital, Memphis 15	Park Avenue and Getwell Street.
Crump Boulevard Hospital Division.	Mail: Pack Avenue and Getwell Street, Memphis 15.
Park Avenue Hospital Division	Mail: Park Avenue and Getwell Street, Memphis 15.
Hospital, Murfreesboro	Veterans Administration Hospital.
Center (Hospital and Domiciliary) Mountain Home.	Veterans Administration Center.
Hospital, Nashville 5	White Bridge Road.

TEXAS

Type of activity and location	*Address*
Regional Office, Dallas	912 South Ervay Street.
VA Office, Fort Worth	300 West Vickery Street.
VA Office, Wichita Falls	Federal Building, Lamar at 10th Streets.
Regional Office, Houston 4	2320 La Branch Street.
VA Office, Beaumont	Post Office Building P. O. Box 751.
VA Office, Brenham	County Court House, 105 East Main Street.
VA Office, Galveston	Post Office Building.
VA Office, Lufkin	Room 313, Perry Building.
Regional Office, Lubbock	1612–20 19th Street.
VA Office, Abilene	Room 306, New Post Office Building.
VA Office, Amarillo	Room 321, New Post Office Building, 207 East Fifth Street.
VA Office, Childress	Library Building.
VA Office, El Paso	102 South El Paso Street.
VA Office, Odessa	County Courthouse.
VA Office, San Angelo	Rooms 400–401, McBurnett Building.
Regional Office, San Antonio 5	307 Dwyer Avenue.
VA Office, Corpus Christi	Rooms 114–115, Federal Building.
VA Office, Del Rio	Post Office Building.
VA Office, Harlingen	Post Office Building.
VA Office, Laredo	Post Office Building.
VA Office, Victoria	Federal Building.
Center (Regional Office and Hospital), Waco.	Veterans Administration Center.
VA Office, *Austin	314 West 11th Street; Mail: P. O. Box 42.
VA Office, Brownwood	207 Brown Street.
VA Office, Corsicana	State National Bank Building, 101 North Beaton Street.
VA Office, Temple	Federal Building, North First and Adams Streets.
Hospital, Amarillo	Veterans Administration Hospital.
Hospital, Big Spring	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Bonham.	Veterans Administration Center.
Hospital, Dallas 2	Veterans Administration Hospital.
Hospital, Houston 31	2002 Holcombe Boulevard.
Hospital, Kerrville	Veterans Administration Hospital.
Hospital, Marlin	Veterans Administration Hospital.
Hospital, McKinney	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Temple.	Veterans Administration Center.

UTAH

Regional Office, Salt Lake City 4	1750 South Redwood Road.
VA Office, Ogden	Post Office Building, 24th Street and Grant Avenue.
Hospital, Salt Lake City 1	Fort Douglas Station.
Fort Douglas Hospital Division	Mail: Fort Douglas Station, Salt Lake City 1.
Twelfth Avenue Hospital Division.	Mail: Fort Douglas Station, Salt Lake City 1.

VERMONT

Center (Regional Office and Hospital), White River Junction.	Veterans Administration Center.
VA Office, Burlington	86 St. Paul Street.

VIRGINIA

Regional Office, Roanoke 11	211 West Campbell Avenue.
VA Office, Danville	Room 306, Post Office Building.
VA Office, Lynchburg	Room 317, Post Office Building.
VA Office, Newport News	Professional Building, 103 28th Street.
VA Office, Norfolk	Room 217, Post Office Building.
VA Office, Richmond 20	900 North Lombardy Street.

VIRGINIA—continued

Type of activity and location	Address
Center (Hospital and Domiciliary), Kecoughtan.	Veterans Administration Center.
Hospital, Richmond 19	Broad Rock Road and Belt Boulevard.
Hospital, Roanoke 17	Veterans Administration Hospital.
WASHINGTON	
Regional Office, Seattle 1	Tower Building, Seventh Avenue and Olive Way.
VA Office, Bellingham	229 Kulshan Building, Magnolia and Cornwall.
VA Office, Everett	Room 407, Colby Building, Hewitt and Colby Avenues.
VA Office, Richland	1329 George Washington Way.
VA Office, Spokane 8	206 Hutton Building, Sprague and Washington Streets.
VA Office, Tacoma	Room 232, Security Building, 915½ Pacific Avenue.
VA Office, Vancouver	Administration Building, Veterans Administration Hospital, Vancouver, Wash.
VA Office, Wenatchee	Chelan County Courthouse.
VA Office, Yakima	Room 424, Liberty Building.
Hospital, American Lake	Veterans Administration Hospital.
Hospital, Seattle 8	4435 Beacon Avenue.
Hospital, Spokane 15	North 4815 Assembly Street.
Hospital, Vancouver	Veterans Administration Hospital.
Hospital, Walla Walla	Veterans Administration Hospital.
WEST VIRGINIA	
Regional Office, Huntington 1	824 Fifth Avenue.
VA Office, Beckley	104 McCreery Street.
VA Office, Bluefield	318 Federal Street.
VA Office, Charleston 1	U. S. Courthouse.
VA Office, Clarksburg	227 West Pike Street.
VA Office, Martinsburg	Boyd Building, 202 South Queen Street.
VA Office, Morgantown	223 Fayette Street.
VA Office, Parkersburg	221 Fourth Street.
VA Office, *Wheeling	(See Regional Office, Pittsburgh 22, Pa.)
Hospital, Beckley	Veterans Administration Hospital.
Hospital, Clarksburg	Veterans Administration Hospital.
Hospital, Huntington 1	1540 Spring Valley Drive.
Center (Hospital and Domiciliary), Martinsburg.	Veterans Administration Center.
WISCONSIN	
Regional Office, Milwaukee 2	342 North Water Street.
VA Office, Ashland	209 Vaughn Avenue.
VA Office, Eau Claire	Room 4, Kappus Building, 405 South Farwell Street.
VA Office, Green Bay	311 South Adams Street.
VA Office, La Crosse	Sixth and Vine Streets.
VA Office, Madison	237 West Gilman Street.
VA Office, Racine	Arcade Building, 423 North Main Street.
VA Office, Superior	Post Office Building.
VA Office, Wausau	Courthouse Annex, Fourth and Scott Streets.
Hospital, Madison	Veterans Administration Hospital.
Hospital, Tomah	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Wood.	Veterans Administration Center.
Waukesha Hospital Division	Mail: Wood, Wis.
Wood Hospital and Domiciliary Division.	Mail: Wood, Wis.
WYOMING	
Center (Regional Office and Hospital), Cheyenne.	Veterans Administration Center.
VA Office, Casper	140–150 East Midwest Avenue.
Hospital, Sheridan	Veterans Administration Hospital.

(b) Jurisdictional areas of district offices and Insurance Center, D. C. (see sec. 3 (a) for district office and sec. 3 (b) for Insurance Center, D. C. functions):

LOCATION AND AREA

Denver, Colo.: (district office)—Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nevada, New Mexico, Oklahoma, Territory of Hawaii, Texas, Utah, and Wyoming.

Philadelphia, Pa.: (district office)—Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico (including Virgin Islands), Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

St. Paul, Minn.: (district office)—Alaska, Idaho, Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wisconsin.

Washington, D. C.: (Insurance Center)—United States Government Life Insurance (World War I), National Service Life Insurance accounts paid by allotment, and accounts of persons residing in foreign countries, including the Republic of the Philippines.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-4592; Filed, June 5, 1957; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Part 522 of the regulations issued thereunder (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Brookfield Manufacturing Co., Warrensburg, Mo.; effective 6-6-57 to 6-5-58 (one piece suits, coats, work pants).

Carlisle Manufacturing Co., Manti, Utah; effective 5-27-57 to 5-26-58 (men's work shirts).

Fox-Knapp Manufacturing Co., E. Pottsville St., Pine Grove, Pa.; effective 5-24-57 to 5-23-58 (men's and boys' sportswear and outerwear).

Fox-Knapp Manufacturing Co., Tremont, Pa.; effective 5-24-57 to 5-23-58 (men's and boys' sportswear and outerwear).

Tiny Women, Fuhrman-Levitt, Inc., Broadway at Jefferson, Camden, N. J.; effective 5-22-57 to 5-21-58 (children's dresses).

Joy Togs, Inc., 950 Highland Avenue, Greensburg, Pa.; effective 6-6-57 to 6-5-58 (children's snowsuits, jackets).

Kutztown Sportswear, Inc., 361 East Main Street, Kutztown, Pa.; effective 5-22-57 to 5-21-58 (ladies' blouses).

M & G Sportswear, Inc., Union Mill No. 2, Fall River, Mass.; effective 5-22-57 to 5-21-58 (children's sportswear and outerwear).

Neobel, Inc., 210 Pryor Street, SW., Atlanta, Ga.; effective 5-22-57 to 5-21-58 (men's slacks).

Paulsboro Dress Co., Inc., Delaware and Lodge Avenue, Paulsboro, N. J.; effective 5-28-57 to 5-27-58 (women's dresses).

Phillips-Jones Factory, Patton, Pa.; effective 6-2-57 to 6-1-58 (dress shirts).

Henry I. Siegel Co., Inc., Fulton, Ky; effective 5-27-57 to 5-26-58 (men's and boys' pants).

Sweet-Orr and Co., Inc., 68 First Street, SW., Pulaski, Va.; effective 6-1-57 to 5-31-58 (men's and boys' pants).

York Terrace Plant (Phillips-Jones Corp.), 16th and Mt. Hope Avenue, Pottsville, Pa.; effective 6-9-57 to 6-8-58 (men's sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number or proportion of learners authorized are indicated.

Bocar Manufacturing Corp., Putnam Street, Tunkhannock, Pa.; effective 5-21-57 to 5-20-58; five learners (women's dresses).

Fuhrman-Levitt, Inc., 39 Woodland Avenue, Pitman, N. J.; effective 5-24-57 to 5-23-58; five learners (children's dresses).

Gunnin Manufacturing Co., Corner Main and Church Streets, Dawson, Ga.; effective 5-27-57 to 5-26-58; 10 learners (sport shirts).

Jonny Jax, Inc., Holsopple, Pa.; effective 5-22-57 to 5-21-58; 10 learners (jackets, shorts, pedal pushers, blouses).

New Era Shirt Co., Arcadia, Mo.; effective 5-22-57 to 5-21-58; 10 learners (ladies' and girls' blouses).

New Era Shirt Co., Piedmont, Mo.; effective 5-21-57 to 5-20-58; five learners (ladies' blouses).

New Era Shirt Co., 901 Lucas, St. Louis, Mo.; effective 5-22-57 to 5-21-58; 10 learners (ladies' blouses).

Stanro Dress Co., Inc., 810 George Street, Throop, Pa.; effective 5-22-57 to 5-21-58; five learners (ladies' and children's dresses).

Tailorcraft Blouses, Inc., 206 Union Street, Taylor, Pa.; effective 5-22-57 to 5-21-58; five learners (ladies' blouses).

Yori Jay Sportswear, Inc., Windber, Pa.; effective 5-24-57 to 5-23-58; 10 learners (pedal pushers and shorts).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Hicks-Hayward Co., Del Rio, Tex.; effective 5-27-57 to 11-26-57; 25 learners (work clothing).

Ray Lee, Inc., 1405 Warford Avenue, Memphis, Tenn.; effective 5-22-57 to 11-21-57; 50 learners (ladies' cotton and rayon sportswear).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Richmond Glove Corp., 601 North D Street, Richmond, Ind.; effective 5-27-57 to 5-26-58; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Rodgers Hosiery Co., Division of Wayne Knitting Mills, Athens, Ga.; effective 5-27-57 to 5-26-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in Part 528 and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 28th day of May 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57-4607; Filed, June 5, 1957; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HANS EGLI-MUFF

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hans Egli-Muff, Hochdorf, Switzerland, Claim No. 61671, Vesting Order No. 17903; $89.50 in the Treasury of the United States.

Executed at Washington, D. C., on May 29, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 57-4584; Filed, June 5, 1957; 8:48 a. m.]

THEODOR KOBELT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Theodor Kobelt, Lucerne, Switzerland, Claim No. 61662, Vesting Order Nos. 17829 and 17903; $1,566.76 in the Treasury of the United States.

Executed at Washington, D. C., on May 29, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 57-4585; Filed, June 5, 1957; 8:48 a. m.]

TATSUO KOYANO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Tatsuo Koyano, Kumamoto Ken, Japan, Claim No. 57217, Vesting Order No. 13338; $1,031.00 in the Treasury of the United States.

Executed at Washington, D. C., on May 29, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 57-4586; Filed, June 5, 1957; 8:48 a. m.]

FRANZ ZECH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Franz Zech, Romanshorn, Switzerland, Claim No. 61664, Vesting Order No. 17829; $819.54 in the Treasury of the United States.

Executed at Washington, D. C., on May 29, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 57-4587; Filed, June 5, 1957; 8:48 a. m.]

KARL ZICKEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Karl Zickel, Berlin, Germany; Claim No. 58209, Vesting Order No. 8096; $608.26 in the Treasury of the United States.

Executed at Washington, D. C., on May 29, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 57-4588; Filed, June 5, 1957; 8:48 a. m.]

STEPHEN ARTHUR WATHEN THOMPSON

AMENDED NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Whereas, a Notice of Intention to Return Vested Property was published in the FEDERAL REGISTER on September 26, 1956 (21 F. R. 7364) with respect to the return of the property described below to Gwladys Elvira Thompson;

Whereas, information was subsequently received to the effect that Gwladys Elvira Thompson died testate in England on July 7, 1956, and that Stephen Arthur Wathen Thompson is her sole personal representative and the sole beneficiary under her Will;

Whereas, Stephen Arthur Wathen Thompson has been substituted as claimant in this matter;

Now, therefore, pursuant to section 32 of the Trading With the Enemy Act, as amended, the said Notice of Intention to Return Vested Property is hereby amended by deleting under the heading "Claimant" the name and address of Gwladys Elvira Thompson and substituting therefor the following:

Claimant, Claim No., Property and Location

Stephen Arthur Wathen Thompson, 91 Sterndale Road, London W14, England, Claim No. 63253, Vesting Orders Nos. 8567 and 9068; $747.50 in the Treasury of the United States; $100.00 Conversion Office for German Foreign Debts 3% dollar bond due January 1, 1946, with January 1, 1941 & S. C. A., evidenced by Certificate No. 73656; $50.00 Conversion Office for German Foreign Debts 3% dollar bonds, due January 1, 1946, Series "B", evidenced by Certificates Nos. 285811 and 285812, each for $20, and No. 122482 for $10. The Certificates are presently in the custody of the Federal Reserve Bank in New York.

All other provisions of said Notice of Intention to Return Vested Property and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on May 29, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-4589; Filed, June 5, 1957; 8:48 a. m.]